



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 10-115

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File No. CSP-10003

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Conceptual Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on October 21, 2010, regarding Conceptual Site Plan CSP-10003 for Secondary Amendment to the City of Mount Rainier Mixed-Use Town Center Zone Development Plan, the Planning Board finds:

1. **Location:** The Mount Rainier Mixed-Use Town Center (M-U-TC) Zone is located within the City of Mount Rainier, Council District 2, Planning Area 68, and the Developed Tier, as defined by the Prince George's County 2002 *Approved General Plan*. More specifically, it includes all M-U-TC-zoned properties along Rhode Island Avenue (US 1) from Eastern Avenue to the west side of 35th Street and along 34th Street from the north side of Bunker Hill Road to the south side of Perry Street.

2. **Mount Rainier M-U-TC Zone Boundary Data Summary**

	EXISTING	APPROVED
Zone	M-U-TC	M-U-TC
Use(s)	Commercial, Institutional, Residential, Mixed-Use	Commercial, Institutional, Residential, Mixed-Use
Acreage	11.5	11.5

3. **Background:** The 1994 *Approved Mount Rainier Town Center Development Plan* was the first development plan and corresponding Mixed-Use Town Center (M-U-TC) Zone approved for use within Prince George's County. The intent of the 1994 document was twofold: to provide property owners and tenants with design standards and guidelines to improve their properties in an effort to revitalize the City of Mount Rainier's commercial core; and to establish a regulatory framework to support the Planning Board, city and county officials, and staff in their review of proposed infill development and redevelopment.

Since 1994, the city has experienced positive changes within the M-U-TC Zone. During this period, there have been major new development and redevelopment projects, and transportation and streetscape improvements. Examples include: the ArtSpace mixed-use residential/commercial artist lofts, the HIP artist lofts, Joe's Movement Emporium cultural arts center, the renovated police station, a new traffic circle, and public art pieces.

However, the city's commercial core still faces challenges. These challenges include multiple vacancies within retail spaces along both Rhode Island Avenue and 34th Street, high traffic volumes and high traffic speeds that present conflicts with pedestrians and impede safe pedestrian

travel, and finally, the lack of well-designed and place-making public gathering spaces within the M-U-TC zone. Although the commercial core faces economic, transportation and land use challenges, the city can continue to build upon its many assets, such as the area's proximity to Washington, D.C., locally and regionally popular retail establishments, the cultural arts center, the arts community, its status as an historic district, and its recent acquisition of multiple properties within the M-U-TC zone as opportunities to further revitalize the town center.

In a letter dated March 24, 2008, the City of Mount Rainier made a formal request to the Commission to amend the 1994 *Approved Mount Rainier Town Center Development Plan*. City officials requested that the Planning Board dedicate staff resources to complete a thorough review and revision of the existing development plan with the goal of helping to further facilitate the redevelopment of the town center. The Planning Board supported the City of Mount Rainier's request, and the Prince George's County Council initiated the secondary amendment development plan process through CR-38-2009 on June 16, 2009.

As a result of the County Council's action, the Commission initiated a planning process in collaboration with officials from the City of Mount Rainier, residents, business stakeholders, and a consultant team headed by Cunningham|Quill Architects. Planning Department staff and the consultant team organized and facilitated multiple workshops and meetings with Mount Rainier community members and individual stakeholder groups in an effort to solicit their opinions about the future vision of the M-U-TC Zone. The product of this collaboration is the *Draft Secondary Amendment to the City of Mount Rainier Mixed-Use Town Center Zone Development Plan*, which was released to the public on July 16, 2010.

SUMMARY OF DEVELOPMENT PLAN COMPONENTS

1. **Development Plan Components** - As a result of the development and urban design assessments conducted by the project team, the draft development plan is organized in the following manner. The plan consists of five chapters and an appendix.
 - a. An Introduction chapter that defines the M-U-TC Zone area boundary and describes the public participation process.
 - b. An Existing Conditions Analysis chapter that contains an historic overview and an analysis of current economic/market conditions.
 - c. A Plan Vision chapter that describes the various elements of a revitalized town center.
 - d. A Design Standards and Guidelines chapter that details the specific requirements and recommendations related to the M-U-TC Zone's urban and architectural design elements.
 - e. A Plan Implementation chapter that establishes an implementation philosophy; prioritizes future development goals and activities; provides implementation charts and action timelines for regulatory, transportation, land use and building strategies (including specific

actions; responsible parties, implementation tools, and phasing); proposes related community and economic development programs that the community might use to assist with realization; and creates property and building cluster profiles (highlighting potential development scenarios for specific sites).

- f. The Appendix section includes federal guidelines for preservation, restoration and rehabilitation of historic properties, historic preservation definitions; and an extensive building inventory (a detailed summary of site/structure details, current land use, and specific repair/rehabilitation and development recommendations for each property within the M-U-TC Zone).

2. **Plan Vision** - Similar to the 1994 development plan, the intent of the *Draft Secondary Amendment to the City of Mount Rainier Mixed-Use Town Center Zone Development Plan* is to establish a future vision for the City's commercial core as well as to provide a regulatory tool to implement that vision. The draft development plan establishes three unique development districts: 34th Street, Rhode Island Avenue, and the Civic Core. Future land use, transportation and design recommendations proposed in the plan are based on existing characteristics of each distinct area and are summarized below:

34th Street

Given the intimate, narrow width of the roadway, the prominence of one- to three-story buildings oriented towards the street, and the local activity of neighborhood retail and cultural establishments such as Island Style, Joe's Movement Emporium, Glut Food Co-op, and Nisey's Boutique, the vision for 34th Street is to create a "Main Street" area that would function as a cultural/neighborhood center. Proposed recommendations to implement the development plan's vision include: renovate existing establishments to create new retail storefronts; encourage a mix of retail types; add shared bicycle routes and on-street parking facilities; and promote the historic character of existing buildings.

Rhode Island Avenue

Rhode Island Avenue is a four-lane corridor that carries high volumes of traffic to and from Washington, D.C. each day. Currently, the corridor features new mixed-use development such as the ArtSpace artist lofts, retail businesses such as a Salvadoran bakery, a custom framing shop, one- to four-story buildings, vacant buildings and lots along the corridor's north side, wide sidewalks, on-street parking spaces, and a center median. The vision for Rhode Island Avenue is to create a tree-lined "Boulevard" anchored by a prominent mixed-use retail/residential development at the northwest corner of the corridor and Eastern Avenue. This will be a gateway that not only welcomes visitors passing through downtown Mount Rainier, but also invites them to stop and patronize new, regionally-focused retail businesses, restaurants with outdoor cafes or an art gallery/cultural arts center. Proposed recommendations to implement the vision for Rhode Island Avenue include: the construction of large, mixed-use buildings; the creation of a wide, multilane arterial boulevard; pedestrian-oriented sidewalks; and the addition of urban furniture, street trees, and dedicated bicycle paths. The District of Columbia Department of Transportation (DDOT) has long term plans to develop a streetcar system along Rhode Island Avenue to the Maryland border

at Eastern Avenue. The draft development plan envisions the extension of that streetcar system into Mount Rainier along Rhode Island Avenue. Should the streetcar system be implemented, it has the potential to stimulate future development opportunities for the M-U-TC Zone.

Civic Core

The third district is the Civic Core. This area encompasses City Hall, the public library, the traffic circle, the WMATA bus turn around area and a parcel of land that includes the vacant Singer Building. Envisioned for this new area is a renovated and expanded municipal complex; a renovated Singer Building with retail businesses that utilize its wide setback; and a civic green that provides an open, community gathering space. The draft development plan includes the following recommendations to implement this vision: renovate and expand City Hall; create a civic green at the bus turn around location by re-routing two bus lines; and renovate the Eastern Star Building, adjacent to City Hall, for potential use as art exhibit space.

3. **Design Standards and Guidelines** - The development plan vision articulates how community stakeholders envision the form future development might take in terms of future uses, transportation conditions, architectural character, and other community assets. The development plan's design standards and guidelines define specific requirements and suggestions for new construction and renovations to existing buildings to support that vision. The purpose of the design standards and guidelines is to promote high-quality urban and architectural design within the M-U-TC Zone and to encourage a cohesive and attractive environment. The chapter also defines the M-U-TC Review Committee process and composition, explains the design review process, and details the design review application requirements.

This chapter of the development plan prescribes standards and guidelines in the following areas: Public Space (street and right-of-way configuration, pedestrian crosswalks and zones, surface parking lots, bicycle facilities, sidewalks, street trees, lighting); Site Design (land uses and retail focus, orientation, build-to line, frontage, height, setbacks, massing, walls, fences and screening, outdoor seating, lighting); Architectural Elements (facades, fenestration, storefronts, utilities/mechanical equipment, security, color, lighting, material, porches, front yards, additions, subtractions, residential/non-residential use, signage, awnings); and Other Guidelines (public art, sustainability, parking strategy, historic buildings). This chapter also utilizes a variety of illustrations and photographs to provide examples of the plan recommendations.

EVALUATION OF ZONING ORDINANCE COMPLIANCE, FINDINGS AND SUMMARY OF PLAN REVIEW AND REFERRAL COMMENTS

Based upon the review and analysis of the subject application, the Commission presents the following evaluation and findings pertaining to the *Draft Secondary Amendment to the City of Mount Rainier Mixed-Use Town Center Zone Development Plan*. The evaluation is presented in two parts:

- a. Findings of conformance with the requirements and criteria of the Zoning Ordinance, specifically the requirements of Section 27-546.14 regarding development plan amendments.

- b. Consideration of referral comments from county and state agencies and municipalities located within one mile of the Mount Rainier Mixed-Use Town Center (M-U-TC) Zone.

Zoning Ordinance Compliance and Findings:

- 1. **Requirements of the Zoning Ordinance:** This revision to the development plan conforms 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).

Finding: The *Draft Secondary Amendment to the City of Mount Rainier Mixed-Use Town Center Zone Development Plan* amends the 1994 *Approved Mount Rainier Town Center Development Plan*. The development plan includes comprehensive revisions to the design standards and guidelines for the M-U-TC zone. The development plan does not change the M-U-TC Zone boundary. Therefore, the plan meets the definition of a secondary amendment per Section 27-546.14(b)(1).

- (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.

Finding: The applicant, the City of Mount Rainier, submitted a letter to the Planning Board, dated March 24, 2008, requesting a review and revision of the 1994 *Approved Mount Rainier Town Center Development Plan*. On July 20, 2010, the City of Mount Rainier submitted a secondary amendment application to the Planning Board to initiate the approval process for the draft development plan.

- (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;**

Finding: The application contains the applicant's name (The City of Mount Rainier), address (1 Municipal Place, Mount Rainier, MD 20712) and telephone number (301-985-6585).

- (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;**

Finding: The application contains a description of the M-U-TC Zone boundary (All M-U-TC-zoned properties along Rhode Island Avenue (US 1) from Eastern Avenue to the west side of 35th Street and along 34th Street, from the north side of Bunker Hill Road to the south side of Perry Street) to which the development plan will apply; all affected properties are located in Election District 17.

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

Finding: The City of Mount Rainier requested that the Planning Board allocate staff time and resources to an extensive review and revision of the 1994 *Approved Mount Rainier Town Center Development Plan*. The city did not request changes to specific sections of the 1994 document but rather a comprehensive amendment to the design standards and guidelines with the goal of capitalizing on redevelopment opportunities within the M-U-TC Zone. The purpose of the development plan is consistent with the intent of the 1994 document, which is to create a regulatory framework to be used by the community to revitalize the city's commercial core. The development plan affects future development within the M-U-TC Zone as it presents a detailed vision for future development; provides more specific and prescriptive design standards and guidelines with respect to the application of contextually appropriate urban and architectural design elements; establishes implementation goals and offers implementation strategies; and makes recommendations as to potential renovations and redevelopment within the community.

- (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;**

Finding: The secondary amendment application was submitted by the City of Mount Rainier to amend the design standards and guidelines that guide the future development of structures and

sites within in the M-U-TC boundary and does not apply to a specific property within the M-U-TC zone. Therefore, Section 27-546.14(b)(3)(D) is not applicable to this application.

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

Finding: The application contains the applicant's name (The City of Mount Rainier), address (1 Municipal Place, Mount Rainier, MD 20712) and telephone number (301-985-6585).

(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;

Finding: Though the City of Mount Rainier's commercial core has experienced some economic development and cultural successes, the city sought aid from the Planning Board in the development of a tool that reflects current conditions in order to create a more vibrant, attractive, pedestrian-friendly and economically viable town center. The 1994 document did not account for new mixed-used development at the traffic circle; the current economic/market trends for the commercial core; the city's recent property acquisitions; or the potential for a future streetcar line that will terminate at the border between the District of Columbia and Mount Rainier. Consequently, the 1994 development plan was outdated and did not provide adequate guidance as to how the city can reach its goals. The draft development plan however, provides this guidance through its plan vision, detailed urban and architectural design standards and guidelines, and finally, the implementation priorities, tools, and strategies.

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

Finding: The proposed *Draft Secondary Amendment to the City of Mount Rainier Mixed-Use Town Center Zone Development Plan* is attached to this staff report as Exhibit 1.

(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.

Finding: Included in the secondary amendment application is a signed affidavit stating that letters were mailed to property owners and municipalities within a mile of the M-U-TC Zone on July 16, 2010 to notify the addressees of the application submission. Second notices, reflecting the revised hearing date, were mailed to property owners and municipalities within a mile of the M-U-TC Zone, respectively on August 23, 2010 and August 24, 2010.

- (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.**

Finding: An application filing fee was not assessed for this application submission as fees for secondary amendments are not specified within Section 27-125.02 for Fee Regulations of the Zoning Ordinance.

- (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:**

Finding: A fee of \$30 was paid for each public notice posted to advertise the public hearing.

- (A) The fee was paid by mistake, and the applicant has requested (in writing) a refund.**

Finding: The posting fee was not paid in error, and therefore, a fee waiver for the posting fee did not apply to this application submission.

- (B) The application is withdrawn prior to posting the sign. In this case the entire sign posting fee shall be refunded.**

Finding: The application was not withdrawn, and therefore, a fee waiver of the posting fee did not apply to this application submission.

- (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.**

Finding: The Planning Board reviewed the application for the proposed secondary amendment and the draft development plan on September 16, 2010, at a regularly scheduled meeting.

In reviewing this section of the Zoning Ordinance, the Code references Planning Board procedures, Sections 27-276(a)(1), (3), (4), (5), (6); Sections 27-276(c)(1), (2) and Sections 27-276(d).

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 is required, the applicant shall obtain approval of a Conceptual Site Plan from the Planning Board.**

Finding: Any new development proposals must adhere to the standards and guidelines contained within this development.

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

Finding: Notification letters and copies of the preliminary development plan 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, are located in Part 2 of the Evaluation section of this report.

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

Finding: Informational mailings were sent to property owners and municipalities within a mile of the M-U-TC Zone on July 16, 2010, August 23, 2010, and August 24, 2010. Public hearing notices were posted within the M-U-TC Zone boundary.

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

Finding: The application for the secondary amendment will be presented to the Planning Board for a decision of approval, approval with modification or disapproval, on September 16, 2010. Community Planning North Division staff is recommending that the Planning

Board approve the application for the secondary amendment with modifications. These modifications are revisions to the draft development plan.

- (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 approval process) and the District Council.**

Finding: The Planning Board's decision on the application is embodied in this resolution that will be adopted at a regularly scheduled public meeting. A copy of the resolution will be available to the municipalities, property owners, and persons of record associated with the application.

(c) Time limits for action

- (1) **The Planning Board shall take action on the Conceptual Site Plan 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.**

Finding: The Planning Board's review of this secondary amendment application occurred on September 16, 2010, during its regularly scheduled meeting.

- (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.**

Finding: The Planning Board's seventy (70) day limit to take action on this secondary amendment application is October 25, 2010.

(d) Notification of applicant

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

Finding: The Planning Board has approved this secondary amendment application after the public hearing review.

In reviewing this section of the Zoning Ordinance, the Code references Planning Board procedures, Sections 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.

Finding: This section of the Zoning Ordinance outlines the procedure for the application's review by the District Council should a person of record wish to appeal the Planning Board's decision on the application or if the District Council votes to review the decision within thirty (30) days after the Planning Board's decision. Should there be a review of the application by the District Council, the Commission will transmit the secondary amendment application as well as any related documents to the District Council. If there is no appeal or if the District Council decides not to review the application the Planning Board's decision on the development plan will stand.

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

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

Finding: The Planning Board approves with conditions, the secondary amendment application because the draft development plan's goals and framework meet the criteria established in Section 27-546.13 for a Development Plan, which follow.

Section 27-546.13 Development Plan

(a) **General**

- (1) **The Development Plan will create a flexible framework for reviewing and approving future development in the M-U-TC Zone. The regulations and graphic representations embodied in the Plan should protect existing community characteristics that are critical to the conservation of the Town Center's character. The Development Standards and Guidelines adopted in the Plan are intended to be flexibly applied and broadly interpreted to promote local revitalization efforts.**

Finding: The draft development plan prescribes design standards and guidelines for new construction, redevelopment and the renovation of existing structures within the M-U-TC Zone. The draft development plan also provides property owners, community stakeholders, city and county officials and staff with a guide for reviewing development proposals within the M-U-TC Zone.

- (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.**

Finding: This draft development plan amends the 1994 *Approved Mount Rainier Town Center Development Plan*. Plan recommendations and the new design standards and guidelines are based upon current conditions within the M-U-TC Zone including the new mixed-use development, its art and cultural assets, the current retail market, and the conditions of existing structures. The development plan provides a tool that the City of Mount Rainier and community stakeholders can use to spur economic development within the town center.

- (3) **Buildings legally existing at the time a rezoning to the M-U-TC Zone is approved are considered to be legally existing, and shall not be**

considered to be nonconforming. Any expansion or exterior alteration is subject to the Town Center Development Plan.

Finding: The secondary amendment application does not rezone of any property to the M-U-TC Zone within the plan boundary. Therefore, Section 27-546.13(a)(3) does not apply.

- (4) **Any existing use which has a valid permit issued prior to the approval of a rezoning to the M-U-TC Zone shall be considered a permitted use, and shall not be considered nonconforming, provided the use has not changed to a different use since issuance of the permit. This provision shall apply only to the property which was the subject of the original permit.**

Finding: The secondary amendment application does not rezone of any property to the M-U-TC Zone within the plan boundary. Therefore, Section 27-546.13(a)(4) does not apply.

- (b) **The Town Center Development Plan shall include, at a minimum, the following:**

- (1) **A description of the area within the Town Center, including a location map showing the boundaries of the Zone (with north arrow and scale) and a description of the existing improvements within those boundaries;**

Finding: The development plan contains a description of the location and a map showing the boundaries of the M-U-TC Zone in the Existing Conditions Analysis Chapter on page B.6. An analysis and discussion of the existing conditions, including existing improvements, within the boundaries of the M-U-TC Zone is located in the Existing Conditions Analysis Chapter also on page B.6.

- (2) **Existing zoning and use of properties within and adjacent to the M-U-TC Zone;**

Finding: The development plan contains a description of uses in the Market Analysis: Existing Land Uses section in the Existing Conditions Analysis Chapter on page B.11. There is also an Existing Property Survey map that shows the location of existing land uses on page B.6. All properties and sites within the development plan boundary are zoned M-U-TC. Properties, adjacent to the M-U-TC Zone, are zoned R-55 for residential development. Properties adjacent to the M-U-TC Zone include residential and institutional land uses.

- (3) Existing and proposed right-of-way widths of internal and adjoining streets;

Finding: All maps within the development plan show the existing roadway network within the M-U-TC Zone boundary. The Commission finds that all illustration street sections showing existing and proposed street configurations shall be revised to indicate the right-of-way.

- (4) An inventory of existing development characteristics, which may include the following:

- (A) Building:
 - (i) Height;
 - (ii) Width;
 - (iii) Setbacks;
 - (iv) Roof shape;
 - (v) Construction materials;
 - (vi) Color;
 - (vii) Distribution of windows/door openings;
 - (viii) Architectural style, details, and ornamentations
- (B) Signs:
 - (i) Number;
 - (ii) Lighting;
 - (iii) Location (building, roof, freestanding);
- (C) Awnings and canopies:
 - (i) Location;
 - (ii) Width;
 - (iii) Materials;
- (D) Mechanical Equipment:
 - (i) Visibility from roads and adjacent properties;
- (E) Parking/circulation:
 - (i) View from the road;
 - (ii) Paving materials and striping;
 - (iii) Landscaping;
 - (iv) Crosswalks;
 - (v) Sidewalks;
 - (vi) Pedestrian alleys;
- (F) Streetscape:
 - (i) Furniture;

- (ii) Landscaping;
- (iii) Signs;
- (iv) Monuments and art.

Finding: The development plan contains a "Complete M-U-TC Building Inventory" in the Appendix beginning on page App-9. The inventory lists the building and site characteristics of all properties located within the M-U-TC Zone. The list includes the property address, a photograph of the property, the number of stories, the built square footage, lot square footage, current use, year built, level of historic preservation (if applicable) and repair/rehabilitation and development recommendations.

- (5) **Development Standards and Guidelines shall be established to manage the physical development and use of land in the M-U-TC Zone. These Development Standards and Guidelines may include the following and any other elements deemed necessary:**
 - (A) Setbacks;
 - (B) Proportion;
 - (C) Height;
 - (D) Roofs;
 - (E) Rear entrance;
 - (F) Awnings and canopies;
 - (G) Utility areas and mechanical equipment;
 - (H) Architectural detailing;
 - (I) Fenestration:
 - (i) Façade openings;
 - (ii) Windows;
 - (iii) Blank walls;
 - (J) Materials;
 - (K) Color;
 - (L) Lighting;
 - (M) Sidewalks and pedestrian places.
- (c) **The Development Plan shall include minimum and maximum Development Standards and Guidelines, as necessary, to regulate parking and loading schedules and design standards, sign design standards, and landscaping and screening standards.**
- (d) **The Development Plan should contain both a written explanation and graphic representations of Development Standards and Guidelines, as necessary.**

Finding: In the Design Standards and Guidelines Chapter beginning on page D.1, the development plan prescribes standards and guidelines in the following areas: Public Space

(street and right-of-way configuration, pedestrian crosswalks and zones, surface parking lots, bicycle facilities, sidewalks, street trees, lighting), Site Design (land uses and retail focus, orientation, build-to line, frontage, height, setbacks, massing, walls, fences and screening, outdoor seating, lighting); Architectural Elements (facades, fenestration, storefronts, utilities/mechanical equipment, security, color, lighting, material, porches, front yards, additions, subtractions, residential/non-residential use, signage, awnings) and Other Guidelines (public art, sustainability, parking strategy, historic buildings). This chapter also utilizes a variety of illustrations and photographs to provide examples of the plan recommendations.

- (e) **The Development Plan may include specific findings and criteria for uses permitted as a Special Permit in the Use Table. Such findings shall generally be limited to site planning issues not otherwise found in the Development Plan.**

Finding: The development plan outlines the design review process in the Application Process section of the Design Standards and Guidelines Chapter on pages D.6 and D.7. Applicants will meet with M-NCPPC staff prior to submitting a development proposal to determine whether a special permit is required for development. Uses within the M-U-TC Zone are governed by the Use Table located in the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* which determines whether a proposed use is permitted within the town center.

- (f) **The Development Plan may create a local design review committee to advise the Planning Board and District Council during review of Special Permits, Special Exceptions, site plans, and other proposals.**
- (g) **If a local design review committee is created, the Development Plan shall, at a minimum, define the committee membership, minimum and maximum review time frames, and the extent of the Committee's review responsibilities.**

Finding: An M-U-TC Review Committee for the review of development proposals within the M-U-TC Zone was established with the approval of the 1994 development plan and is currently active. The development plan defines the Committee's membership, and their review timeframes and responsibilities in the Development Review Process section of the Design Standards and Guidelines Chapter on pages D.6 and D.7.

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

Finding: The Commission approves with conditions, the secondary amendment because the development plan's goals are to promote redevelopment and reinvestment within the City of Mount Rainier's commercial core and also to provide a regulatory framework to

guide future development, which meet the criteria established in Section 27-546.09 for Purposes of an M-U-TC Zone, which are detailed below:

Section 27-546.09 Purposes

(a) The specific purposes of the M-U-TC Zone are:

- (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.**

Finding: The Commission in collaboration with the consultant team conducted multiple meetings, over the period of a year, with property owners, residents, business owners, artists, and city officials, to solicit their input in the creation of this development plan. Stakeholder feedback was vital to identifying community issues, concerns and assets and subsequently, making the recommendations and design standards and guidelines found in the development plan.

- (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 complements 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.**

Finding: The development plan's vision is of a lively, pedestrian-friendly town center that promotes Mount Rainier's existing cultural, commercial and institutional activities as well as providing an ideal location for potential developers. The plan describes three districts (Main Street, the Boulevard and the Civic Core) for locating appropriate uses, design elements, transportation and streetscape improvements, and for preserving and renovating historic properties that are specific to the development in these areas. The plan also contains design standards and guidelines that will help to reinforce and protect the existing character of the town center as well as help the area's transition to a more vibrant and economically viable downtown. Finally, the plan outlines various implementation strategies that will help Mount Rainier's stakeholders prioritize their development goals and will provide guidance as they utilize these tools in order to realize the plan vision.

- (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.**

Finding: The purpose of the development plan is consistent with the intent of the 1994 document, which is to create a regulatory framework to be used by the community to revitalize the city's commercial core.

2. **Summary of Plan Review and Referral Comments:** The development plan was referred via mail to the following municipalities, within one mile of the M-U-TC Zone, on July 16, 2010. Additionally, the development plan was referred via mail to the following concerned county and state agencies on July 20, 2010, with a request to submit their comments by August 26, 2010. A second notice was mailed to these municipalities, county and state agencies on August 23, 2010. A third letter requesting comments was mailed out to state and local agencies on October 8, 2010 (See exhibits). Additionally, this third letter was emailed to state and local agencies as a reminder requesting comments on October 13, 2010. The referral comments are summarized below:

Municipality of Mount Rainier— The City of Mount Rainier submitted written comments regarding the *Draft Secondary Amendment to the City of Mount Rainier Mixed-Use Town Center Zone Development Plan* to the Planning Board at the September 16, 2010 public hearing. On September 29, 2010, M-NCPPC staff held a work session with the City of Mount Rainier to review their comments on plan. All of their concerns have been addressed and included in this approval.

Municipalities of Riverdale Park, Bladensburg, Brentwood, Colmar Manor, Cottage City, Edmonston, Hyattsville, North Brentwood—No comments were offered from these municipalities.

Department of Public Works and Transportation (DPW&T)—DPW&T offered no comments.

Department of Housing and Community Development (DHCD)—DHCD offered no comments.

Economic Development Corporation (EDC)—EDC offered no comments.

Department of Environmental Resources (DER)—DER offered no comments.

Redevelopment Authority (RA)—DHCD referred the *Draft Secondary Amendment to the City of Mount Rainier Mixed-Use Town Center Zone Development Plan* to the RA. RA indicated that the Prince George's County Economic Revitalization Program listed on page E.31 of the *Draft Secondary Amendment to the City of Mount Rainier Mixed-Use Town Center Zone Development Plan* under the Prince George's County Redevelopment Authority is not one of their programs. The comment has been addressed by removing the program from the economic revitalization program list.

State Highway Administration (SHA)—For SHA comments, see Maryland Department of Transportation below.

Maryland Department of Transportation (MDOT)—MDOT indicated that they are interested in the innovative solution of raised cycle tracks along Rhode Island Avenue (US 1). SHA requests that the county coordinate all design efforts related to the proposed cycle tracks with the SHA Bicycle Pedestrian Coordinator, Mr. Dustin Kuzan. The Transportation Planning Section of the Countywide Planning Division had some initial discussions with Mr. Kuzan regarding the cycle tracks. Mr. Kuzan found the research presented by Transportation Division very compelling and hopes to establish a work group that can look at ultimately revising SHA policies regarding the issue.

The cycle track is envisioned as another mode of transportation that will serve the community. However, at this time, both agencies prefer to retain on-road bicycle accommodations along US 1 due, in part, to safety and operational concerns and the fact that at this time AASHTO guidelines do not have recommended specifications for cycle tracks. In the short term, it is possible to include the bike lanes within the existing street section by narrowing and restriping the existing wide parking lane. The Transportation Planning Section and Community Planning North Division staff will work with SHA to coordinate the design of bicycle lanes along Rhode Island Avenue.

The Maryland Department of Planning—The Maryland Department of Planning offered no comments.

Department of Housing and Community Development (DHCD)—The Maryland Department of Housing and Community Development submitted a letter supporting the *Draft Secondary Amendment to the City of Mount Rainier Mixed-Use Town Center Zone Development Plan* on October 14, 2010. The only request they made was that the Capacity Building source on page E.35 be deleted, since the Catalyst Program at DHCD has been discontinued.

The Department of the Environment—The Maryland Department of the Environment offered no comments.

Department of Business and Economic Development—The Maryland Department of Business and Economic Development responded on October 13, 2010 that they did not have any comments regarding the *Draft Secondary Amendment to the City of Mount Rainier Mixed-Use Town Center Zone Development Plan*.

Maryland Transit Administration (MTA)—The Maryland Transit Administration offered no comments.

National Capital Planning Commission—The National Capital Planning Commission offered no comments.

Washington Metropolitan Area Transit Authority (WMATA)—M-NCPPC received comments regarding the development plan from WMATA on October 4, 2010. In their letter, WMATA expressed general support for the future plan vision of the M-U-TC zone. WMATA indicated that providing better connectivity to Metro's regional rapid transit network and improving the function and aesthetics of the transit infrastructure within Mount Rainier are important to their agency. WMATA also expressed some concerns regarding potential alternative boarding and alighting bus locations shown in the plan, the rerouting of two bus lines, and the need to have requirements for bus stops, shelters, lighting, and passenger amenities.

In the development plan, the 82 and B2 bus routes were rerouted in order to create a civic green. The boarding and alighting stops for each of the rerouted buses were shown in separate locations. Boarding and alighting are operational decisions on the part of WMATA. The Commission concurs with WMATA that any boarding and alighting functions should be located at the same stops. Consequently, the diagrams on pages C.34 and C.35 of the development plan, showing specific bus reroutes, shall be removed from the document.

The Commission is also in agreement that adequate space and locations must be provided for bus layovers, bus stops, shelters, lighting, and passenger amenities. In order to implement the long term vision of the development plan of providing a civic green adjacent to the Mount Rainier City Hall, further study of the transit corridor will be necessary to look at all existing and potential future modes of transportation in the area. Potential future reroutings, bus layovers, bus stops, shelters, lighting, and passenger amenities will need to be considered as part of any study. This study should involve a partnership between WMATA, Prince George's County, the City of Mount Rainier, and the District of Columbia.

3. **Summary of General Public Comments:** The development plan was made available to the general public on July 16, 2010. Copies of the plan were placed at City Hall in Mount Rainier and made available on M-NCPPC's Mount Rainier M-U-TC Zone Development Plan project website. The written comments submitted to the staff from the general public including business and property owners, residents, and community organizations are summarized as follows:

- a. **City of Mount Rainier Mount Rainier Business Association**

1. **"MRBA would like to have nomination authorization for the two (2) business owner positions on the Mixed-Use Town Center (MUTC) Committee of the Maryland National Park and Planning Commission (MNPPC) Board. We would like the guidelines to read "in consultation with the Mount Rainier Business Association."**

The City Council of Mount Rainier nominates candidates to the M-U-TC Review Committee. The selection of appointees are ultimately approved and appointed by the Commission. However, the MRBA is welcome and encouraged to provide input concerning potential candidates during the selection process.

2. **"To expedite the design and design review process between meetings, we recommend that applicants be allowed to contact the M-U-TC Review Committee chair or committee liaison for support and guidance. This preliminary consultation should include questions, clarifications and submission of edits to their application for electronic distribution and electronic approval if meetings are delayed or postponed."**

As indicated in the revised flow chart, the first step is to meet with the M-NCPPC staff liaison to determine the required process for M-U-TC review and approval prior to the issuance of a permit. This pre-application meeting will provide clarification to the applicant at the beginning, and throughout the process.

The M-U-TC Committee has a regularly scheduled meeting each month. If full applications are received a week prior to the regularly scheduled meeting, the application will be reviewed as part of the M-U-TC Review Committee's meeting agenda. Electronic submissions are encouraged; however, hardcopies will also be required in various cases.

3. **"In an effort to compromise and maintain a "business friendly" atmosphere, we suggest a reduction of the twelve (12) copy minimum and request that it be reduced to no more than three (3) submission copies and that any additional copies required to be submitted electronically."**

The number of hard copies will be reduced to eight (8) hard copies to be provided for each Committee member and City staff. Electronic submissions will also be encouraged in certain circumstances, in lieu of, or in addition to the hard copies.

4. **"We suggest and highly recommend that there be a process designed for appeals and variances."**

A departure from the strict application of the design standards and guidelines may only be approved by the Commission. The M-U-TC Review Committee does not have the

authority to approve departures. However, they may make recommendations to the Planning Board regarding departures deemed appropriate.

5. **"While trees do contribute to the overall aesthetic and environmental concerns of the business district, we suggest that regulations take into consideration businesses' growth and development. (Under General Recommendations, page C.7, #2 should become "Add tree boxes or planters..." When at all possible, they should neither reduce parking spaces in high traffic corridors, where customer parking is a premium, nor obscure or block existing businesses' signage."**

Limited on-street parking will be disturbed by streetscape improvements. The future streetscape design, including the selection of species and placement of trees, will require extensive property and business owner involvement. As the trees mature, they can be pruned above the height of the store facades and signage to prevent store visibility. A tree lined streetscape enhances the shopping experience and attracts patrons to a destination.

6. **"Per page C.13 & C.18, MRBA believes that the addition of another cultural/performing arts facility has the potential to over saturate the district. Any additional facilities should seek be integrated into the community and compliment current cultural/performing efforts."**

The reference to a cultural/performing arts facility will be revised to say "community flex space."

7. **"We also recommend that any new developments be mixed or multi-use environments."**

The Mixed-Use Town Center Zone allows for a variety of uses such as residential, office, commercial/retail, and institutional.

8. **"MRBA recommends that the entire book be redesigned to simplify and emphasize the basic steps of the review process. Using text boxes, bold headings or "cheat sheet" formatting will enable business owners to expedite their process."**

M-NCPPC is currently developing a quick reference guide that will summarize the M-U-TC objectives, process, uses, guidelines and contacts. This quick reference guide will be available to applicants at City Hall and can be provided electronically by the M-U-TC liaison and City Manager.

9. **"Unless for historic accuracy, names of business should not be used when indicating buildings (i.e. Thrifty). Buildings should be described by their use or address."**

All buildings in the Specific Building Renovation Recommendations, Property and Building Cluster Profiles, and Complete M-U-TC Building Inventory sections shall be referred to by street address rather than specific business name, with the exception of the historically contributing properties.

10. "Existing walls and fences should be grandfathered in (p. D.35)."

If the property has approved County and municipal permits, then the structure (fence/wall) will remain legal until a new building permit is submitted. Those fences and walls that do not have approved County and municipal permits do not conform to the Mount Rainier M-U-TC Development Plan. Enforcement will be the responsibility of the appropriate county and municipal entities. Language will be added under the new Code Enforcement section on page D.8.

11. "Flexibility should exist throughout (for example, D.49 #8 should add "or a sign of exceptional design.") MRBA would like to maintain the unique elements of our community and not become a "cookie cutter" community."

The signage types do limit the type of sign that can be proposed, but only offer examples of the types of signs that can be used. The intent of the guidelines is to provide clarity and consistency, but not to impede the uniqueness of the town center and the creativity of businesses.

- b. Michelle Yu, on behalf of Sun Im Yu, Owner of 3231 Rhode Island Avenue**
Ms. Yu requested several revisions to the plan document. These changes include: the addition of language about "grandfathering" existing improvements for current property owners under the design standard for gates found on page D. 42; the removal of point number 4 on page D.42 related to placement of steel gates; the removal of recommendations for façade improvements to her property and others found on page E. 52 or for the recommendation to be made for long-term completion; adding the phrase, "Phase out closed grille over time when affordable" on page App27; and finally, removal of the phrase, "Provide awning" on page App-27. In addition, Ms. Yu wants clarification of the term, "DS-Lighting" on page App-27.

Property owners will need to comply with this standard only when a new building permit is issued.

Item #4 on page D.42 will be removed.

The plan makes recommendations for exterior renovations for M-U-TC zoned property in order to implement the plan's vision for a lively and active town center. While the plan recommends that the property owners for 3231 Rhode Island Avenue make façade

improvement and/or renovate this building, any future development or improvements associated with this property will be made at the discretion of the property owner.

The abbreviation "DS" used before the term "lighting" on page App-27 is defined as design standards in the key of the M-U-TC Building Inventory. The key is located at the top of each table in the inventory.

- c. **Fred Sissine, Private Citizen and Former Mayor for the City of Mount Rainier**
Mr. Sissine was concerned primarily with how the City of Mount Rainier and M-NCPPC might partner in the future to establish the program manager position and work on implementing a downtown action plan for the city.

Implementing the plan vision will take a number of years and involve the input of numerous agencies. M-NCPPC will continue to work with the City of Mount Rainier on the plan in order to implement the vision.

- 4. **Summary of Public Hearing Comments:** A review of the draft development plan by the Planning Board occurred on September 16, 2010. Several attendees presented their comments about the plan to the Planning Board. Their oral comments are summarized as follows:

- a. **Delegate Jolene Ivey**
Delegate Ivey requested a continuance of two weeks on CSP-10003 in order to allow time for further review and comment on the draft plan.

The Planning Board allotted more time to the plan approval process for the plan. The next Planning Board hearing to review the draft plan was held on October 21, 2010.

- b. **Mayor Malinda Miles, City of Mount Rainier**
Mayor Miles expressed her appreciation for the overall vision of the development plan and how it provides the steps for implementing the vision. Mayor Miles read the letter that the municipality submitted to the Planning Board and staff regarding their specific comments on the plan into the record.

On September 29, 2010, M-NCPPC staff held a work session with the City of Mount Rainier to review their comments on plan. All of their concerns have been addressed and are included in this approval.

- c. **Brooke Kidd, Director of Joe's Movement Emporium, Secretary of the Mount Rainier Business Association**
Ms. Kidd stated that *Secondary Amendment to the City of Mount Rainier Mixed-Use Town Center Zone Development Plan* is an incredible document that will help to attract the types of businesses that are needed in the M-U-TC area. Ms. Kidd requested minor revisions to the plan to make the document more user-friendly such as reformatting plan content to highlight all standards, clarifying technical language, changing the cover image

and adding contact information. Ms. Kidd also suggested that language be included to pages E.37 through E.58 to incorporate additional uses for profiled properties.

M-NCPPC is currently developing a quick reference guide that will summarize the key points of the M-U-TC zone, permitted uses, and the M-U-TC Review Committee process. This quick reference guide will be available to applicants at City Hall and can be provided electronically by the M-U-TC liaison and City Manager. The "shall" statements will either be bold, underlined, or reorganized together.

General contact information for the M-NCPPC Community Planning Division and for the City of Mount Rainier will be provided in the development plan on the appropriate pages of the document.

The complete list of the permitted uses in the M-U-TC zone will be incorporated into Appendix of the development plan, but can also be found in the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* under the town center character area. The land use recommendations in the development plan are used to guide the types of development for specific properties. The land use recommendations do not prohibit specific uses on a particular property, unless prohibited by the use table.

The rendering of the Civic Core with City Hall will replace the existing coversheet.

d. Larry Solomon, Owner-Thrifty Car Rental, Vice-President of the Mount Rainier Business Association

Mr. Solomon was concerned that the recommendation for the inclusion of street trees as recommended by the plan vision will obstruct the view of businesses. Mr. Solomon also felt that the plan's design standards were too restrictive and should be more flexible, especially in this current economic downturn.

The plan recommends that Rhode Island Avenue and 34th Street be lined with trees. Street trees help to define the public space and make sidewalks more attractive and inviting to pedestrians. Trees contribute to a community's natural environment by improving air quality, providing shade to pedestrians and buildings and reducing stormwater runoff. Most importantly, the future streetscape design, including the selection of species and placement of trees, will require extensive property and business owner involvement.

The addition of street trees along Rhode Island Avenue and 34th Street will create public spaces where Mount Rainier residents and visitors will want to spend time walking or patronizing local businesses.

Many towns and cities with successful commercial districts use street trees. Two local examples are Barracks Row, 8th St SE in Washington, DC and Takoma Park in Maryland.

Both of these examples are included in the draft development plan in the implementation chapter on page E.4.

e. **Reverend Joel Ojelade, Alafia Baptist Church**

Reverend Ojelade stated that his church did not know about the development of the draft plan and only received one letter notifying him and his congregation about the public hearing. Reverend Ojelade also wanted to know how his church and congregation would be affected by future development.

Public participation in the planning process is vital to the successful development of the plan. Public outreach for the City of Mount Rainier M-U-TC Zone Development plan included sending and distributing flyers to property and business owners, sending email announcements to an email group, creating a project website, and advertising community meetings in the Mount Rainier newsletter and on the public access channel. In addition, notices were mailed to property owners on July 16, 2010 and again on August 24, 2010 to notify the recipients about the Planning Board public hearing. While the project team used various strategies to reach community residents and stakeholders, there may have been community members that did not receive notification about the development plan. The project team contacted Reverend Ojelade to review the plan and to inform him of the next public hearing, the printing of the final plan and any future community meetings related to the development plan.

The City of Mount Rainier M-U-TC Zone Development Plan is a tool for property owners, business owners, and city officials to use as a guide for future development, should they choose to renovate existing properties or construct new buildings. The plan includes an extensive building inventory that makes recommendations for exterior renovations for each M-U-TC zoned property. While the plan provides renovation and development suggestions for Alafia Baptist Church on page App-25, any future development or renovations associated with this property will be made at the discretion of the property owner.

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 adopts the findings contained herein and APPROVED the Conceptual Site Plan CSP-10003, subject to the following conditions:

- A. The draft development plan shall be revised in accordance with the following conditions listed:
 - 1. Change to the development plan and map(s) shall be made as necessary to incorporate mapping, typographical, grammatical, and rewording corrections. The content of these changes shall not change the intent of the document.
 - 2. Change the plan and map(s) where appropriate to correspond to the aforementioned revisions, extensions, deletions, and additions.

2. Right-of-Way (ROW) shall be added to all street section diagrams in the development plan.
3. Corrections shall be made to the development plan to ensure that MTA is referred to as the Maryland Transit Administration rather than the Maryland Transit Authority in all instances.
4. The use table found on pages 167 through 199 of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* shall be added to the Appendix section of the development plan.
5. All references in the development plan to a cultural/performing arts facility at the potential development infill site on the northeast corner of Rhode Island Avenue and Eastern Avenue shall be revised to say "community flex space."
6. All buildings in the Specific Building Renovation Recommendations, Property and Building Cluster Profiles, and Complete M-U-TC Building Inventory sections shall be referred to by street address rather than specific business name, with the exception of the historically contributing properties. Additionally, any errors found in the Complete M-U-TC Building Inventory shall be corrected.
7. Sections of Chapter D of the development plan that addresses parking shall be consolidated into one area for clarity purposes. Existing on and off-street parking locations and potential strategy or demand areas will be determined and mapped. Language shall be inserted into this section discussing the possibility of M-NCPPC staff working with the City of Mount Rainier on a future parking analysis.
8. The 2004 *Approved Gateway Arts District Sector Plan and Sectional Map Amendment* amended the Mount Rainier M-U-TC boundary through the sectional map amendment process. This language amending the boundary shall be included under the Study Area Description section found on page A.2 of the development plan.
9. Additional language emphasizing the relationship between the Mount Rainier M-U-TC and the Gateway Arts District shall be placed on page B.2 of the development plan under the Regional section giving background information on the Gateway Arts District.
10. Additional language shall be added regarding the definition of the Primary Trade Area (PTA) boundary on page B.9 of the development plan. Additionally, the source for Table 2 on B.10 shall be clarified.
11. The last numbered point on page C.13 shall be revised to read as follows:

"Provide AASHTO designated bike lanes along Rhode Island Avenue in the short- and mid-term by utilizing the extra space currently allocated for on-street parking."

12. Two additional street sections shall be inserted as part of the plan on page C.15 describing short-term and mid-term improvements that incorporate a bike lane along Rhode Island Avenue. The Proposed Conditions section will be shown as a long-term improvement due the fact the AASHTO has not officially approved and provided guidance on the design and construction of cycle tracks.

13. Replace the existing text on page C.33 with the following text that shall read as follows:

"Historically, Mount Rainier was established as a street car community adjacent to the District of Columbia. The turnaround area within the civic core served as the terminus for that street car system. The existing Metro bus turnaround area currently serves as a transit hub for the residents and businesses of Mount Rainier. The three bus lines using this facility provide connections between the immediate surrounding neighborhood to other modes of transportation, such as the Metrorail system. It is envisioned in the future that the civic core which is centrally located adjacent to a major thoroughfare will support additional modes of transportation, including either the extension of the proposed District of Columbia's Rhode Island Avenue street car system or a Bus Rapid Transit (BRT) system. The approved Countywide Master Plan of Transportation recommends the extension of the BRT system from the District of Columbia to the planned circumferential fixed guideway transit (Purple Line) between Bethesda and New Carrollton.

In the near- and medium terms, the plan recommends the retention of the existing bus turnaround operations that support the transit facility adjacent to the Mount Rainier City Hall. As a long term vision, the development plan recommends the creation of a civic green adjacent to the Mount Rainier City Hall that will create a sense of place by enhancing the civic core. This investment will also support future development opportunities along the Rhode Island Avenue transit corridor. This future civic green may accommodate the existing bus lines through a modified bus turnaround area and potential future new modes of transportation. A more detailed evaluation of feasible options should be considered as part of a subsequent corridor study in order to ensure quality and efficient transit service which would support the plan's ultimate vision for the area. This study should consider the prioritization of bus circulation based on future additional modes of transportation, and the location, design, and maintenance of future bus stops, bus lay over areas, shelters, lighting, and passenger amenities. Partners in the study of the corridor should include WMATA, Prince George's County, the City of Mount Rainier, and the District of Columbia."

14. The diagrams found on pages C.34 and C.35 shall be removed from the development plan.

15. On page C.38 of the development plan, under-utilized and/or vacant city owned storefronts are recommended for pop-up gallery art space in order to activate the streetscape. Under- utilized and/or vacant county owned properties within the Mount Rainier M-U-TC shall also be recommended for this use. Language will be added to the plan stating this fact.

16. The Applicability Language section found on page D.5 shall be replaced with the following text that reads:

"The design standards and guidelines apply to all new development and exterior improvements, beyond routine maintenance and repair, on properties located within the M-U-TC zone. Applicants may deviate from the design standards and guidelines through the detailed site plan process provided they can demonstrate how their proposal advances the vision for the M-U-TC zone.

As set forth in Section 27-108.01 of the Zoning Ordinance, "the words 'shall,' 'must,' 'may only,' or 'may not' are always mandatory standards and not discretionary. The word 'may' and 'should' are permissive. The words 'including' and 'such as' do not limit a term to the specified examples, but are intended to extend its meaning to all other instances or circumstances of like kind or character."

17. Additional language relating the Mount Rainier M-U-TC and the 2004 Gateway Arts District plan will be inserted into the development plan under the Introduction/Goals section found on page D.5 under a new subsection called Relationship to the Gateway Arts District. The language shall read as follows:

"The 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's Gateway Arts District determines the uses that are permitted in the Mount Rainier M-U-TC. The use table for the 2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment can found on pages 167-199 of that plan and in the appendix of this plan. If the proposed use is not listed in the table, it is prohibited. Changes to the use table must be approved by the District Council.

The town center character areas development district standards found in the 2004 Approved Gateway Arts District Sector Plan and Sectional Map Amendment do not apply to the Mount Rainier M-U-TC Zone due to the fact that the development plan design guidelines found in this chapter prevail."

18. The number of hard copies that an applicant has to submit to the M-U-TC Review Committee shall be reduced from 12 copies to 8 copies. Electronic submissions are encouraged in certain circumstances, in lieu of, or in addition to the hard copies.

19. The language requiring that a quorum shall include at one architect, one planner, or one historian on page D.7 shall be removed from the plan as a requirement. Replacement language shall be crafted that states a quorum shall consist of at least five members.
20. In order to clarify enforcement issues, additional language shall be added to the Application Submission Requirements section on page D.8 of the development plan under a new subsection called Code Enforcement that reads as follows:

“All new construction and improvements requiring a building permit will be subject to review by the Department of Environmental Resources (DER). New construction and improvements that are subject to the City of Mount Rainier’s municipal ordinances are enforceable by the city. Applicants are responsible for obtaining any required municipal permits for exterior alterations to properties.”
21. The Design Review Flow Charts have been revised for clarity purposes and shall replace the charts currently found in the development plan on pages D.9 and D.10.
22. The four historic properties that have to go through the historic review process, if an application is submitted for those sites, shall be included in the development plan in the notes on the Design Review Process|Historic Properties flow chart found on page D.10 and in the appropriate sections of the document dealing with the historic review process.
23. The diagram on page C.28 designates which properties are protected or unprotected historic properties and/or sites within the M-U-TC area. The Levels of Protection Designation section is not an officially recognized rating system for historic properties at either the county, state, or federal levels, but was created for this project during the analysis of existing conditions. For clarity purposes, the Levels of Protection Designation section on pages D.12 and D.13 of the development shall be removed.
24. Additional language shall be added under the Public Space|Street Section-Rhode Island Avenue section on page D.21 that states:

“The long term vision for the corridor is for dedicated, off-road cycle tracks. A buffered, separated facility is desirable along Rhode Island Avenue due to traffic volumes, speeds, and the amount of truck traffic in the corridor. However, cycle tracks will only be implemented after all safety and design concerns have been addressed to the satisfaction of the SHA Office of Safety and consistent with future AASHTO design and construction standards.
25. Additional language shall be added under the Public Space|Street Section-Rhode Island Avenue section on page D.26 that states:

"Bicyclists should be accommodated through the traffic circle consistent with the latest State Highway Administration guidelines, standards, and safety practices."

26. Additional language regarding lot coverage shall be added to the Site Design|Orientation, Build-to Line and Frontage section on page D.31 that reads as follows:

"The maximum percentage of lot coverage for new infill development within the M-U-TC zone should be 90 percent of the net lot area. The distribution of lot coverage on a specific property should consider the relationship of the proposed building's bulk and mass to adjoining existing properties, particularly residential uses. Applicants should demonstrate through appropriate site studies that the new infill development will not negatively impact adjoining properties and land uses."
27. Point number 4 shall be deleted from the plan on page D.42.
28. The words Commonly Used shall be inserted in front of Materials on page D.43 for clarity purposes.
29. For clarity purposes and in order to include standards and guidelines for painted window displays, the subsection Adhesive window signs found on page D.51 shall be renamed Adhesive and/or painted window signs.
30. The Other Guidelines section found between pages D.55 and D.61 shall be renamed Other Standards and Guidelines since this section does include standards in addition to guidelines.
31. Under the Energy subsection on page D.58, the "shall" will be changed to "should" on point number 1. Additionally, under the Water Management subsection on the same page, the "should" will be changed to "shall" on point numbers 1 and 4.
32. Additional language shall be inserted on page E.5 Program Manager subsection that states the following:

"The City of Mount Rainier should explore partnership opportunities with other local organizations in order to establish a "Main-Street" type program, and to promote Mount Rainier through a program manager who is primarily responsible for plan implementation activities including assisting partner organizations with grant proposals, advertising, promotion/special events, and marketing campaigns."
33. The phasing of implementation action T7 found on page E.25 shall be changed from long term to near term.
34. The Prince George's County Economic Revitalization Program listed on page E.31 of the *Draft Secondary Amendment to the City of Mount Rainier Mixed-Use Town Center Zone*

Development Plan under the Prince George's County Redevelopment Authority shall be removed from the economic revitalization program list.

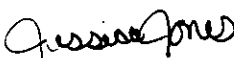
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

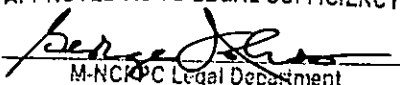
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, Cavitt and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, October 21, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of November 2010.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Acting Planning Board Administrator

PCB:JJ:RD:arj

APPROVED AS TO LEGAL SUFFICIENCY.

M-NCPPC Legal Department
Date 11/1/10