



Summary of Actions
Riverdale Park Mixed-Use Town Center Local Design Review Committee
February 6, 2019

APPROVED MARCH 6, 2019

The Riverdale Park Mixed-Use Town Center (RP MUTC) Local Design Review Committee held its regularly-scheduled February hearing on February 6, 2019 in the Riverdale Park Town Hall, Town Council Chambers, 5008 Queensbury Road, Riverdale Park, MD 20737.

A. CALL TO ORDER

Chair Thompson called the meeting to order at 7:52 p.m.

Committee Members Present: Chair Alan K. Thompson, Melissa Anderson, Michael Arnold, Jeffrey Yorke

Marsha Dixon *via* telephone

Committee Members Absent: Jillian D. Lewis

Staff Present: **M-NCPPC**
Daniel Sams, MUTC Liaison

B. APPROVAL OF AGENDA

Chair Thompson asked for a motion to approve the agenda with the addition of a pre-application conference for the McDonald's restaurant at 6228 Baltimore Avenue as Item F.2.

Motion: Mr. Arnold moved to approve the agenda as revised.

Second: Ms. Anderson seconded the motion.

The motion passed in a vote of 4-0-1 (Chair Thompson abstaining).

C. APPROVAL OF MEETING SUMMARY

Chair Thompson asked for a motion to approve the Meeting Summary of January 2, 2019.

Motion: Mr. Yorke moved to approve the meeting summary as submitted.

Second: Mr. Arnold seconded the motion.

The motion passed in a vote of 4-0-1.

D. DISCUSSION

1. Clarification of Cafritz Development Plan Signage Standard 9 for Internally Illuminated Signs

Mr. Sams reminded the committee that at the meeting of January 2, 2019, there had been a discussion of Signage Standard 9 (page 11) as it related to the after-the-fact application by Bella Nail Salon & Spa (4575 Van Buren Street, Building 3) for a sign comprising internally-illuminated channel lettering. Citing the exception within the standard, staff had made a finding of conformance. Signage Standard 9 states, "Signage shall be lit externally, so that the light does not exceed the area of the sign or spill onto the building facade, *except at Parcel C Building 3* [emphasis added]. (SA-130001 amendment L as per Applicant's Exhibit #4, see Appendix #4.)"

The finding of conformance was questioned by Mr. Mark Regulinski, speaking as a member of the public, who stated it was his belief the exception applied only to the internally-illuminated Whole Foods sign at Building 3, and that Amendment L and Exhibit #4 should be examined in detail in order to make a determination.

On April 30, 2013 a secondary amendment (SA-130001) to the 2012 *Approved Cafritz Property at Riverdale Park Town Center Development Plan* (Case No. A-10018) was requested by the applicant, a portion of which stated:

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

In justifying the request, the applicant wrote:

"Within the section of the Development Plan entitled 'Signage,' Standard No. 5 states 'Unique neon signs, internally lit signs, and signs with moving parts or blinking lights may only be approved for creative value that enhances the town center in areas outside of the historic core'; and Standard No. 9 states, 'Signage shall be lit externally, so that the light does not exceed the area of the sign or spill onto the building façade.' Internally lit signs are generally part of a branding package that is almost uniformly used by many local and national retailers. Externally lit signs tend to ben utilized for smaller scale commercial areas, which is not in keeping with the character of the proposed commercial area upon the subject property. Each such internally lit sign should not be required to have to meet the standard of proving a creative value that enhances the town center in areas outside the historic core' but should be generally accepted as part of today's retail custom and culture. Such internal lighting will 'not exceed the area of the sign or spill onto the building façade.'

Given the size, location and scale of the retail uses proposed upon the subject property, the Secondary Amendments that would allow a waiver of these Development Standards will be 'in conformance with the purposes and other requirements of the M-U-TC Zone;', will help to 'provide a flexible regulatory environment that will support the redevelopment and development interests in the area...', will help to 'create attractive and distinctive community centers for shopping, socializing, entertaining, living and to promote economic vitality,' will help to 'ensure a mix of compatible uses which compliments [sic] concentrations of retail and service uses, including institutional uses, encourages pedestrian activity and promotes shared parking'; will help to 'provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment'; and will help 'to encourage compatible development and redevelopment, including shared parking facilities that will enhance the town center.'

In their letter of May 23, 2013 to the Planning Board, the MUTC Committee wrote:

"The committee endorse the existing Signage standards but will allow a departure for the Whole Foods signs on Building 3."

In commenting on the amendments in their Adopted Resolution (PGCPB No. 13-57 adopted June 6, 2013) the Planning Board wrote:

"The applicant has not provided specific information on tenant signage at this time, other than the signage proposed for Lot 3 [sic] for the grocery tenant. In that case, the internally lit signage is proposed as channel letters placed on the face of the building and either in front of, or behind glass panels along Baltimore Avenue (US 1) and Van Buren Street. In the absence of details concerning the design of proposed signs other than those for the grocery store, the Planning Board supports the use of internally-lit channel letters only for Lot 3 [sic] and only for the grocery store tenant as shown on Applicant's Exhibit No. 4." (See page 26.)

However, the Planning Board's approved resolution itself did not restrict the amendment only to the grocery store tenant, stating:

"L. Approve the amendment to Signage to allow for the user of internally-lit channel letters on Location 6d (Building 3), as per Applicant's Exhibit No. 4 (Building 3 Signage, Sheet 3-A-300-S)." (See page 34.)

In January 2019 Community Planning Division staff asked M-NCPPC's General Counsel to research and determine if the exception stated in Signage Standard 9 of the Cafritz Development Plan (p. 11) applies to all of Parcel C, Building 3, or just to Whole Foods. General Counsel replied: The Legal Department has determined that it applies to all of Building 3 and should not be construed more restrictively to apply solely to the Whole Foods.

In conclusion, regarding the after-the-fact request for approval of an internally lighted sign for Bella Lifestyle at Building 3, Mr. Sams stated that staff's finding of conformance stands for that aspect of the request.

E. OLD BUSINESS

1. **2019-02 Bella Lifestyle Nail Salon & Spa, 4575 Van Buren Street, –Richard Tran–** After-the-fact installation of signage.

Applicant: Neither the applicant nor the applicant's representative were present.

Staff: Mr. Sams stated staff's finding from the previous hearing were unchanged.

A discussion of the deferment process ensued.

Motion: Mr. Arnold moved to recommend disapproval as submitted citing nonconformance with Signage Standard 6.

Motion second: Ms. Anderson seconded the motion.

The motion passed in a vote of 4-0-1 (Chair Thompson abstaining).

F. NEW BUSINESS

1. **2019-03; DSP-13009-16, Cafritz Property at Riverdale Park, 6611 Baltimore Avenue, –Larry Taub–** Limited minor amendment to install signage banners on streetlamps along the US 1 (Baltimore Avenue) frontage.

Applicant: Mr. Lawrence Taub of O'Malley, Miles, Nylan and Gilmore presented the pre-application, noting it had been accepted by M-NCPPC on February 5, 2019. He stated that there is a lack of visibility for Riverdale Park Station because of Gateway Park, and that banners with commercial logos were preferred but they had received resistance from this committee and from M-NCPPC's Development Review Division staff. What is now proposed are words only; Sheet L6-07 shows a representation of the proposed banners. They are intended to alert drivers on US 1 of the presence of the businesses in the development.

Committee: Mr. Arnold asked if both sides of the banners would have text, and if one side would be for Riverdale Park Station.

Applicant: Mr. Taub stated that was a good question and that he didn't know, but he respectfully requested the committee's approval. The text could be included in all 11 banners or just some of them.

Committee: Mr. Arnold stated that the characterization of Gateway Park as an obstruction was inflammatory. He added that the gloves have to come off and that the committee had to talk truth to power. Moreover, he noted that this really frosts his cookie.

A discussion of Whole Foods parking lot ensued.

Applicant: Mr. Taub stated that visibility is a huge issue when the leasing agents are negotiating with potential tenants. He noted that it was a very sore matter with their leasing people.

Committee: Mr. Arnold stated that approval would set a precedent that anyone can have a banner advertising anything, anywhere. Ms. Dixon asked if Mr. Arnold's objection was about the aesthetics, noting that in her opinion some banners were not that appealing. Mr. Arnold stated that style and aesthetics are impossible to adjudicate, and that generally, commercial advertising should not be present in a public space such as Gateway Park. He noted that identifying a *place* is different than identifying a *business*.

Applicant: Mr. Taub clarified that the light poles are not located in the US 1 right-of-way.

Committee: Ms. Anderson noted that the applicant's problem was self-induced.

Applicant: Mr. Taub stated that Gateway Park was not the idea of the developer but was done to obtain support for the overall project from the Town of University Park.

Committee: Ms. Dixon asked why the applicant thought banners were the best way to increase business, and noted that she did not want to see any more nail salons coming in. She asked if it was possible for the committee to approve the banners for a six-month period and if the banners would be adequately lighted.

Applicant: Mr. Taub stated the banners could not be temporary.

Committee: Mr. Yorke stated that he was concerned about clutter, and suggested the banners be installed on every other light pole. Chairman Thompson stated that the application plausibly met the development district standards and Mr. Arnold asked how. Ms. Anderson stated her belief that the case for banner installation should be based on marketing data. Mr. Arnold stated that to have thriving businesses there had to be high population density.

Applicant: Mr. Taub stated that in the original concept for the overall development, the location along US 1 was strategic.

Committee: Mr. Arnold stated that must be why they turned their back on it. Chairman Thompson asked if the banners were proposed to be gray with white letters as shown in the application, and if the letters and colors were going to be consistent. For example, would the banner for Starbucks be green with white lettering.

Applicant: Mr. Taub stated that he didn't know.

Committee: Mr. Arnold suggested white banners with white lettering.

Committee: Ms. Anderson suggestion devising some new standards. Mr. Arnold stated that for the committee to even remotely consider this proposal they required a better application, and that the banners need to focus on Riverdale Park. He suggested that the application was purposefully vague and that if installed the banners would be a significant presence. He noted that the face of Riverdale Park was not national brands, and that this development turns its back on Baltimore Avenue. Chairman Thompson stated it was his understanding that M-NCPPC could be considering the banners as wayfinding signs.

A discussion of the number of businesses and potential banners ensued.

Committee: The committee requested the applicant return with additional information about the proposed banners, including number and colors, fonts, et cetera, and the committee would agree to meet as soon as was practicable to review the revision.

2. **Pre-application, McDonald's restaurant, 6228 Baltimore Avenue, –Chris Hatcher–**
Discussion of site and building refurbishment

Applicant: Mr. Christopher L. Hatcher of Learch, Early & Brewer, Chtd., representing McDonald's restaurant, noted that he also represented other McDonald's restaurants in the County. He stated they were interested in freshening the façade and adding another drive-through, and that they also sought to make architecture and ADA upgrades. He noted that the restaurant was originally a Roy Rogers and that the McDonald's pre-dated the MUTC Zone. He stated that they had submitted for a revision to the Special Permit for the current work, but after talking with M-NCPPC staff he decided to talk to the MUTC Committee first. He noted that his firm has their own interpretation of the development district standards and would like to discuss them with staff and the committee. Although the building will not be increased in size, they may be required to prepare a circulation plan as part of the permit process. Mr. Hatcher concluded his presentation noting that he hoped the committee saw this application as an opportunity to have some input into the redesign.

A discussion ensued about the applicability of the development district standards to this application.

Committee: The committee agreed with Mr. Hatcher to review design possibilities with him and his design professionals at the March 6, 2019 meeting.

G. ADMINISTRATIVE BUSINESS

Chair Thompson noted that committee member Justin Brower resigned, citing too many other commitments.

H. ADJOURNMENT

There was no further business.

Motion: Ms. Dixon moved to adjourn the meeting.

Motion second: Ms. Anderson seconded the motion.

The motion passed in a vote of 4-0-1 (Chair Thompson abstaining) and the meeting was adjourned at 10:03 p.m.

Submitted by Daniel Sams, M-NCPPC Staff Liaison