



Summary of Actions
Riverdale Park Mixed-Use Town Center Local Design Review Committee
November 7, 2018

APPROVED JANUARY 2, 2019

The Riverdale Park Mixed-Use Town Center (RP MUTC) Local Design Review Committee held its November hearing on November 7, 2018 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 7:50 p.m.

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

Committee Members Absent: Justin Brower; Jillian D. Lewis

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

Town of Riverdale Park
Jonathan Greene, Neighborhood Improvement Specialist

B. APPROVAL OF AGENDA

Chair Thompson asked for a motion to approve the agenda.

Motion: Ms. Dixon moved to approve the agenda.

Second: Mr. Arnold seconded the motion.

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

C. APPROVAL OF MEETING SUMMARIES

1. Chair Thompson asked for a motion to approve the Meeting Summary of April 4, 2018.

Motion: Mr. Arnold moved to approve the meeting summary with the stipulation that Item D, Adjournment, be changed to reflect that Ms. Anderson moved to adjourn the meeting.
Second: Ms. Anderson seconded the motion.

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

2. Chair Thompson asked for a motion to approve the Meeting Summary of May 16, 2018.

Motion: Mr. Arnold moved to approve the summary.
Second: Ms. Dixon seconded the motion.

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

3. Chair Thompson asked for a motion to approve the Meeting Summary of October 9, 2018.

Motion: Ms. Dixon moved to approve the summary with the stipulation that the spelling of her first name on the first page be corrected from “Marcia” to “Marsha.”
Second: Mr. Yorke seconded the motion.

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

D. OLD BUSINESS

1. **2018-06, SP-150003-01 7-Eleven Riverdale Park, 6315 Baltimore Avenue** –Matthew Tedesco– Revisions to a special permit for the addition of a ground-mounted freestanding sign.

Applicant: Mr. Matthew Tedesco of McNamee Hosea and Ms. Bree Wilson of 7-Eleven, Inc., presented the special permit application. Mr. Tedesco stated that the revision before the committee represented the fruits of their previous discussion at the hearing of October 9, 2018. He noted that the highlights of the revision included a reduction in the overall height of the sign, from 8 feet to 6 feet, and a reduction in the overall size, from 50 square feet to 25 square feet. He noted that the brick base mimics that of the approved monument sign for Whole Foods, et cetera, at Riverdale Park Station, and that the sign was now lighted externally by an LED bar at the base. According to the applicant, the proposed pressed-metal sign with pin-mounted letters may represent a unique sign for the company. He stated that he believed the revision was responsive to the development plan.

Staff: Mr. Sams noted that there was no staff report because this was a special permit application. A referral from M-NCPPC’s Community Planning Division would be prepared for the Development Review Division staff, however.

(A discussion of the special permit process ensued.)

Committee: Mr. Yorke asked what the what the line represented in the sign drawing.

Applicant: Mr. Tedesco responded that it was an LED bar that illuminated the sign.

Committee: Chair Thompson stated that he was confused about the construction.

Applicant: Mr. Tedesco stated that the 7-Eleven logo projects slightly from the face of the sign, adding visual interest and creating shadows.

Committee: Chair Thompson asked what the proposed LED color temperature was.

Applicant: Mr. Tedesco stated that he was unsure.

Committee: Chair Thompson noted that 2700K to 5000K represented the color range.

Applicant: Mr. Tedesco stated that they could accommodate the committee's color temperature preference, whatever it was.

Committee: Mr. Yorke stated that he like this proposal a lot better than the first, noting that the idea for a freestanding sign was to attract drivers going up the street, and asked if it were big enough to accomplish that.

Applicant: Mr. Tedesco stated that they were trying to keep the size of the sign in the pedestrian realm, and that eight feet was too big.

Committee: Mr. Arnold observed that "size matters." Ms. Anderson stated that she appreciated their efforts to bring the proposal into conformance with the vision for the town center, and noted she believed standards that address every situation could never be effectively established. She stated that she believed that the revised proposal was a big improvement.

(A discussion ensued regarding the process whereby the Riverdale Park Town Council would make a recommendation to the Planning Board on the subject special permit. The chair called a recess for the committee members to review the material. The duration of the recess was five minutes and seven seconds.)

Committee: Ms. Dixon asked the applicant if he could "bullet point" what the "extraordinary situation or conditions" of the property were, as required in the development plan and §27-548.00.01(a)(2)(A) of the zoning ordinance. She noted that, if a recommendation for approval was ultimately made by the Riverdale Park Town Council, as the council member for Ward 1, she needed to feel comfortable articulating how the criterion was met.

Applicant: Mr. Tedesco went over how arguments regarding §§ 27-548.00.01(a)(2)(A), 27-548.00.01(a)(2)(B) and 27-548.00.01(a)(2)(C) were articulated in the applicant's amended statement of justification.

Committee: Mr. Arnold asked Mr. Tedesco to "be honest" about the slope, noting that he believed arguing that the property possessed unusual topography that met Criterion A [SOJ, page 9] was inflammatory and extraneous. He noted that the slope was in the rear of the property and the rest of it was flat. He asked how sloping was relevant.

Applicant: Mr. Tedesco stated that nothing could be moved around on the site, and that he didn't wish to argue with the committee. He stated that the setback of the building was a hardship...

Committee: Ms. Dixon asked the applicant to please pause for a moment and stated that if he was saying they are having a hard time getting customers that that was not relevant. She stated that the company knew when they bought the property that the building was set

back from the street. She reminded him that she would be held accountable to her community for recommendations made by the committee and that his argument did not make sense.

Applicant: Mr. Tedesco stated that “from day one” there has been a desire to have a sign [near the road] because they had to stay within the confines of the existing building. He stated that now that the store is open, we are returning to try to get approval for the sign. He noted that the property owner does not control the woods [at 6311 Baltimore Avenue] that block the view of the store from motorists [traveling north on US 1]. He stated they have found there is a safety issue because motorists may try to turn around if they miss the store, and that installation of the sign as proposed would not impede the development plan, and that he believed the standards were being inflexibly applied.

Committee: Mr. Arnold stated that he disagreed. Ms. Anderson asked if there had been any accidents on US 1 that could be attributed to motorists missing the store and attempting to stop or make a U-turn.

Applicant: Mr. Tedesco stated that he believed there was one before the store opened.

Committee: Chair Thompson summarized that the extraordinary situation or conditions, according to the applicant, were trees, topography and the potential for accidents.

(A discussion of §§ 27-548.00.01(a)(2)(A), 27-548.00.01(a)(2)(B) and 27-548.00.01(a)(2)(C) of the zoning ordinance ensued.)

Committee: Mr. Yorke told the applicant that they were coming to the committee “way too early” and that they have “wasted time talking to us.” Mr. Yorke indicated they should talk to the J.D. Williams heirs [6311 Baltimore Avenue]. Ms. Dixon stated that “she’d be frank,” and relayed that she had heard someone had tried to “strong-arm” the property owners [into cutting the trees] and therefore they [were now obstinately refusing].

Applicant: Mr. Tedesco stated that his client had offered to pay for the tree clearing, and/or for an easement, but was told, “no.”

Committee: Mr. Arnold stated that he believed 7-Eleven hadn’t tried everything they could within the constraints of the development plan. For example, they could place an A-frame sign near the street and see if business improved. Ms. Dixon suggested those gathered go over all the code exceptions.

Applicant: Mr. Tedesco stated that his client believed the store was not doing as well as it could.

Committee: Ms. Dixon stated that she understood the legal standard, and that what he was providing were justifications, add that the committee members were not attorneys, and that his taking the stance that his client wanted to make more money was not a viable justification.

Applicant: Mr. Tedesco stated that the store needed the recognition the sign would provide, that they needed the branding. He stated they believed this store was at a competitive disadvantage without one.

Committee: Mr. Arnold responded that there were already signs on the building, and that they glowed at night. He stated that only northbound traffic might be problematic and the other directions, “not so much.” Mr. Yorke noted that J.D. Williams himself had been dead only for a year, and suggested they return to the family later and request to cut the trees again.

Applicant: Mr. Tedesco noted that J.D. Williams himself had supported cutting the trees before he died.

(A discussion ensued about approaching the Williams family.)

Committee: Mr. Arnold stated that the committee had a history of their recommendations being voted down by the Planning Board. He stated that he didn’t see why the development plan should be compromised when the trees could simply be cut. He suggested they “divide and conquer” by “splitting up the request.” Chair Thompson stated that a discussion of the case history is out of bounds for what they were here tonight to consider. He asked the committee members to focus their attention on whether or not the three findings necessary for a special permit have been met. Mr. Arnold stated that “he didn’t buy” A or B but maybe C.

(A discussion ensued over whether all findings had to be met or only one. When it was determined all findings had to be met, the chair nevertheless suggested the committee consider Criterion C; however, the applicant indicated that the committee could make and entertain a motion at this time without protest from him.)

Motion: Ms. Dixon moved to recommend to the Town Council of Riverdale Park and Planning Board against approval of the special permit application, because the committee does not believe that all three required findings (§§ 27-548.00.01(a)(2)(A), 27-548.00.01(a)(2)(B) and 27-548.00.01(a)(2)(C) of the zoning ordinance as restated in the Special Permit Application Process in the Approve Riverdale Park MUTC Development Plan (page 66) can be made, based on the application.

Motion second: Mr. Yorke seconded the motion.

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

Committee: Ms. Dixon encouraged the applicant to attend the town council meeting when the application would again be voted on. Mr. Yorke asked if the trees were to get cut down, and the store was still not performing to their satisfaction what they would do.

Applicant: Mr. Tedesco stated the owner would have to make a decision about keeping the store open.

(Ms. Dixon left the meeting at 9:01 p.m. At 9:02 p.m. Chair Thompson called a five-minute recess.)

- 2. 2011-04, DSP-13009-14 Cafritz Property (Riverdale Park Station) 6611 Baltimore Avenue –Larry Taub–** Revisions to Building 5 exterior and installation of an enclosure for electrical equipment to serve vehicle charging stations at the parking garage for Building 2 along Woodberry Street.

Applicant: Mr. Lawrence Taub of O'Malley, Miles, Nylan and Gilmore and Mr. Mark Regulinski of Skidmore, Owings & Merrill LLP presented the DSP amendment. They noted that the enclosure would be of the same brick as the wall behind it, would be eight feet tall, and set back six feet from the sidewalk so it would not impede pedestrians.

(Marsha Dixon rejoined the meeting *via* telephone at 9:11 p.m.)

Motion: Mr. Yorke moved to recommend approval of the application as submitted.

Motion second: Mr. Arnold seconded the motion.

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

E. ADMINISTRATIVE ITEMS

Mr. Sams presented five sign violations staff had identified, noting that DPIE had been apprised of the violations and assigned violation numbers to them, and was expected to be following up with the property and business owners, after which the committee may expect to see applications submitted. The businesses are as follows:

1. **Ceci's Tenda Latina** #1800-112300
6216 Rhode Island Avenue

2. **Las Comrades Restaurant** #1800-112303
5803 Baltimore Avenue

3. **Marliz's Hair Braiding** #1800-112306
6001 Baltimore Avenue

4. **Route 1 Tags and Title** #1800-112308
6001 Baltimore Avenue

5. **Ivy Lounge Salon & Spa** #1800-112311
6205 Baltimore Avenue

F. ADJOURNMENT

There was no further business.

Motion: Mr. Arnold 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 9:29 p.m.

Submitted by Daniel Sams, M-NCPPC Staff Liaison