

Case No. DSP-06095-C

Applicant: JPI Development Services, LP

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 15 - 2007

AN ORDINANCE to approve an amendment to the Zoning Map, with conditions.

WHEREAS, Application No. SP-06095 was filed for property known as Jefferson at College Park, described as approximately 3.79 acres of land in the M-U-I/DDOZ (2.5 acres) and R-55/DDOZ (1.29 acres) zones, located on the west side of Baltimore Avenue, across the street from the intersection of Baltimore Avenue and Cherokee Street (9122 and 9128 Baltimore Avenue), in the City of College Park, for approval of a rezoning of the R-55 part of the property (1.29 acres) to the M-U-I Zone, and approval of a detailed site plan showing 200 multifamily dwelling units, and 25,000 square feet of commercial retail and office uses; and

WHEREAS, the Technical Staff reviewed the application and filed recommendations with the Planning Board and District Council; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the Planning Board held a public hearing on the application and filed recommendations with the District Council; and

WHEREAS, having reviewed the record, the District Council has determined that the application, including the rezoning from the R-55 to the M-U-I Zone and the detailed site plan showing a development project of mixed residential, commercial/retail, and office uses, should be approved with additional conditions; and

WHEREAS, to protect adjacent properties and the neighborhood, this rezoning and site plan approval are granted subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts the Planning Board resolution, PGCPB No. 07-177, as its findings of fact and conclusions of law, except as noted, as follows:

A. The Council adopts paragraphs 1 through 7 of PGCPB No. 07-177, which describe the property and neighborhood and the proposed development project, except to the extent that the proposed number of dwelling units are reduced and the proposed number of parking spaces are increased below.

B. The Council approves paragraphs 8 and 9 of the resolution, explaining how the application meets Zoning Ordinance and College Park U.S. Route 1 Sector Plan requirements and guidelines, except as discussed below. With imposition of appropriate conditions, the proposed mixed-use project is compatible with and in keeping with the surrounding residential neighborhood and the residential streets in the property's vicinity. The present proposal meets the Sector Plan vision for mixed residential, commercial/retail, and office uses in this part of U.S. Route 1, including new multifamily buildings.

C. The Council approves modifications of development district standards, as follows:

(1) The District Council rejects the applicant's request to not place utility poles underground. Therefore, pursuant to the condition below, the applicant shall remove the utility poles and place underground the utility lines along the U.S. Route 1 frontage. (Public Areas Standard P6.A.)

(2) The maximum built-to-line is 10-20 feet behind the right-of-way (ROW) line, but the proposed building may have 22 feet from the ROW of Baltimore Avenue, as determined by the final SHA ROW of Baltimore Avenue to allow for a lay-by lane in order to accommodate loading needs of larger trucks and as a bus stop. A six-foot landscaped median is deemed necessary from a design standpoint to separate this lay-by lane from the U.S. Route 1 travel lanes. In addition, the proposed building may have 35 feet from the ROW of Autoville Drive in order to maintain a consistent setback with the existing houses on both sides. (Site Design Standard S3.)

(3) A lay-by lane is permitted along U.S. Route 1 to be used as a bus pull-off area and to serve as a loading area for larger trucks for a limited time in the evening. (Site Design Standard S4.)

(4) The building height for the multifamily and retail building may be five stories, even though the Sector Plan recommends a limit of three stories in Areas 4 and 5. The applicant is providing parking in a multi-level structure behind the building fronting U.S. Route 1. (Building Design Standard B1.)

(5) The applicant is permitted to have a limited number of multifamily units without balconies, though the Sector Plan recommends balconies for all units above the ground floor. The applicant's building design compensates for the absence of balconies facing U.S. Route 1. (Building Design Standard I.)

(6) The applicant is permitted not to provide a sidewalk along the property's frontage on Autoville Drive since no sidewalk exists along this side of Autoville Drive. (Public Areas Standard P2.)

D. The Council approves the applicant's minor amendment to allow 42 percent two-bedroom units, though the Zoning Ordinance, in § 27-419, would limit two-bedroom units to 40 percent of the total.

E. The Council does not agree that the applicant's proposed parking scheme is acceptable and should be approved. The parking scheme raises various concerns and creates a likelihood of insufficient parking for the proposed uses. The Planning Board's recommendation lacked fact-based analysis to justify its conclusion and violated the specific language in the Sector Plan regarding justification of additional parking reductions. The applicant's proposed parking scheme must be revised, as follows, and additional conditions must be imposed.

(1) The Sector Plan recommends on-street parking "where possible." On-street parking on U.S. Route 1 is not feasible, and could only accommodate a handful of spaces. Cherokee Street and the other residential streets have only limited space available. Considering the number of dwelling units proposed and the amount of commercial/retail and office space, off-street parking in the proposed garage is warranted. (Public Areas Standard P1.A.)

(2) The applicant's proposal lacks evidence to support a 20 percent additional parking reduction. Therefore, the District Council approves the applicant's reduction of total dwelling units to 200, an increase in parking spaces so that the total number of parking spaces provided with this DSP is 403, and the District Council agrees with the transportation demand management strategy dated August 2, 2007 which shall be a condition of approval as stated below.

(3) The District Council approves the applicant's requests for departures from parking and loading standards to reduce the width of parking spaces in the parking garage from the required 9 ½ feet to 9 feet; and to reduce the required number of loading spaces from four to three,

though the Zoning Ordinance, in § 27-558 would require the width of a parking space of 9 ½ feet and in § 27-582 would require four loading spaces.

F. The District Council approves the conclusions by staff and Planning Board in paragraphs 10 (Landscape Manual), 11 (Woodland Conservation and Tree Preservation Ordinance) except as provided below, and 12 (referral comments).

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by rezoning the R-55 portion (1.29 acres) of the property that is the subject of Application No. SP-06095 from the R-55 Zone to the M-U-I Zone, subject to the conditions stated below.

SECTION 2. The detailed site plan, as amended, filed with Application No. DSP-06095 is hereby approved, subject to the conditions stated below.

SECTION 3. The rezoning and detailed site plan approved herein are subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall:
 - a. Provide additional architectural details and fenestration to break up the monotony of the elevations facing the interior courtyard where the proposed swimming pool is located to be reviewed and approved by the Urban Design Section as the designee of the Planning Board, and, in consultation with the District Council.
 - b. Provide a green screen and other treatments that are visually appealing on all exposed elevations of the parking garage that are not covered by other attached buildings in order that there shall be no exposed unfinished concrete facades.
 - c. Indicate the building height and actual building setbacks on the site plan.
 - d. Provide information regarding the percentage of brick on exterior elevations of the building and lot coverage.

- e. Revise the Landscape Plan to show graphically each Section 4.7 bufferyard and its corresponding landscape schedule.
- f. Add site plan notes as follows:
 - “A minimum of three retail uses as listed on Section 27-461(b) under category E, General Retail, shall be included in the commercial/retail component of this development.”
 - “Loading trucks that serve the residential portion of the building shall utilize the access point directly off U.S. Route 1. No truck traffic shall be allowed to access the subject site via Cherokee Street, and it shall be posted to prohibit truck traffic.”
 - “This project will be developed in accordance with the green building techniques included in "A Green Strategy for JPI College Park West" to achieve high quality indoor air-quality/comfort energy efficiency, water efficiency and sustainability, specifically including, but not limited to the following:
 - (1) Eliminate pollutants by utilizing low emitting paint, carpets, adhesives, and sealants (see LEED NC 2.2, 4.1, 4.2 and 4.3).
 - (2) Utilize Energy star appliances, Lighting (CFL, dimmers, vacancy switches) and HVAC – minimum SEER 13 and programmable thermostats.
 - (3) Install water efficient landscaping, low flow faucets and low flow shower heads.
 - (4) Provide community bicycle storage and encourage LE and FE vehicles by designating a preferred parking area.
 - (5) Provide a recycling area during construction.
 - (6) Make provision for the residents to recycle household waste by providing appropriate receptacles and making arrangements for removal.
- g. Revise the justification statement to include a request to amend Public Area, P1 Road Network, Design Standard A.
- h. Provide evidence that the subject DSP is consistent with the approved stormwater management concept plan for this site.
- i. Revise the landscape and lighting plan as follows:

- (1) Locate the tables and chairs shown in Detail 3 on Sheet L-3, Hardscape Details on the Landscape Plan.
 - (2) Substitute Korean Pines for the Deodar Cedars; Serbian Spruce or Oriental Spruce for the Norway Spruce; and Maples for Ash.
 - (3) Eliminate the sod and expand the planting areas to the extent possible.
 - (4) Provide an on-site irrigation system for planting areas including the Greenscreen and the Courtyard areas.
- j. Revise the sign schedule to be consistent with DDOZ Standard B.5 Signs N. Provide a sign plan including lighting, colors, lettering style, size, height, quantity and location for review and approval by the Urban Design Section as the designee of the Planning Board and in consultation with the District Council and the City of College Park. No amendment to sign standards shall be granted without a revision to the subject DSP.
- k. Provide a materials board.
- l. Provide a clear demarcation of sidewalk across all driveway entrances and intersections along the site frontage to give priority to pedestrians.
- m. Provide access to the site located at 9104 Baltimore Avenue from the access road that links Cherokee Street and Baltimore Avenue.
- n. Subject to review and approval by the Urban Design Section as the designee of the Planning Board, provide a wrought iron fence to be located around the site's entire boundary area that is adjacent to the existing single-family detached houses. The wrought iron fence shall be six feet in height and be with a combination of brick piers and wrought iron fence.
- o. Provide off-white or other light-color roof materials for the proposed parking garage complex.
2. The applicant and the applicant's heirs, successors, and/or assignees shall provide the following sidewalk improvements:
 - a. The wide sidewalk along U.S. Route 1 as indicated on the updated rendering of Sheet L-1 of the DSP dated September 4, 2007, unless modified by the State Highway Administration.

- b. Four bicycle racks as indicated on the site plan.
 - c. Striped crosswalks at all access points crossing sidewalks, including the provision of a crosswalk pursuant to SHA standards across U.S. Route 1 at its intersection with Cherokee Street and the Site Access Road. Crosswalks shall be striped in accordance with the guidelines for secondary intersections included in DDOZ Design Standard E of the Public Areas.
 - d. All sidewalks shall include ADA accessible ramps and curb cuts at all road intersections.
3. The total development within the subject property shall be limited to no more than 200 multifamily residential units and 25,000 square feet of commercial retail, or different allowed uses generating no more than 184 AM (66 in, 118 out) and 432 PM (236 in, 196 out) peak-hour vehicle trips, respectively.
 4. Prior to issuance of any use and occupancy permits for residential units, the applicant shall make provisions for the placement of existing utility lines and the poles along the U.S. Route 1 frontage underground. It is anticipated that the applicant will seek a Revitalization Tax Credit to offset the cost of this condition. The applicant, the Planning Board, the County Council, DPW&T and the City of College Park will develop a plan so that all tax credits received will be utilized to initiate a comprehensive utility relocation on U.S. Route 1 north of Route 193. Such funds derived by a Revitalization Tax Credit shall be used first on the Subject Property and then on adjacent properties.
 5. Prior to the issuance of any building permit, the following improvements shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the appropriate agency:
 - a. Provision of a new access roadway opposite of existing Cherokee Street (east leg) that shall be (dedicated to public use and is) open to all traffic at all times, and extends to Cherokee Street (west leg). This roadway shall provide for two outbound lanes and only one inbound lane to accommodate only the left-turn from U.S. Route 1 northbound and thru traffic from the east leg of Cherokee Street. This roadway shall include sidewalk that extends from U.S. Route 1 to Cherokee Street (west leg). The applicant is responsible for the signalization and any other modifications deemed needed by SHA, DWP&T and the City that would transform this intersection into a safe and pedestrian-friendly intersection, including provision of visible crosswalks at all approaches.
 - b. Provision of barrier-separated loading area pursuant to SHA and/or WMATA standards to also allow the opportunity to be used as a bus pull-off area in early

morning to late afternoon hours. The applicant shall continue to work with the City, SHA, DPW&T, and WMATA in an effort to determine appropriate hours to restrict loading in this area in order to allow safe and efficient bus access and maintain retail viability. If the bus pull-off area is acceptable to WMATA and SHA, the applicant shall also be responsible for relocating the nearby bus stop to this location and installing a bus shelter, deemed appropriate by DPW&T and the City, as well as any other needed transit and pedestrian-friendly street furniture.

6. Prior to the issuance of any building permits, the two road segments on the applicant's property in front of the subject site, starting from Cherokee Street west and ending at U.S. Route 1 shall be dedicated to the Department of Public Works and Transportation. Additionally, the applicant shall obtain a public use easement from the adjoining owners, Tax Account I.D. No. 2410058, to allow for full public access to the signal at U.S. Route 1 (Baltimore Avenue) and Cherokee Street.
7. Prior to issuance of any building permit, the applicant shall file a bond or other suitable financial guarantee with DPW&T and/or an agreement with the City of College Park to operate a private bus service or contribute to an existing service that will connect the subject property to the nearest Metrorail station. The service shall be offered to all with service headway of 30 minutes during weekday AM and PM peak periods, and vehicles have a minimum capacity of 15 persons.
8. The applicant shall comply with each element in its "Traffic Demand Management" strategy dated August 2, 2007.
9. The applicant shall participate in a Transportation Study of the U.S. Route 1 Corridor in the City of College Park for evaluation of transit strategies, including a U.S. Route 1 shuttle operated by governmental, quasi-governmental or private entities. The Transportation Study shall evaluate the implementation of a comprehensive corridor-wide shuttle system.

In the event that a new or enhanced U.S. Route 1 shuttle system is operational and serving the Subject Property at the time of issuance of the final use and occupancy permit for this project, the applicant shall contribute a proportionate share of the costs of a U.S. Route 1 shuttle, which contribution shall not exceed the cost of a private shuttle for the Subject Property alone.

In the event that a new or enhanced U.S. Route 1 shuttle system is not operational and serving the Subject Property at the time of issuance of the final use and occupancy permit for this project, the applicant shall provide a private shuttle for residents of the development project in accordance with a schedule and routes agreed to with the City of College Park.

If subsequent to the institution of a private shuttle, a U.S. Route 1 shuttle system is created, then the applicant shall participate in the new shuttle system in lieu of providing a private shuttle, and it shall contribute a proportionate share of the costs of a U.S. Route 1 shuttle, which contribution shall not exceed the cost of a private shuttle for the Subject Property alone.

It is anticipated that the applicant will coordinate its shuttle activities with the City of College Park, and that depending on the findings of the Transportation Study of the U.S. Route 1 Corridor and depending on the success of a private shuttle or a comprehensive U.S. Route 1 shuttle system, that this condition may be modified.

10. In consultation with the City of College Park and the District Council, the applicant shall make a good faith effort to execute a memorandum of understanding with the University of Maryland that prohibits University students residing in the project from obtaining on-campus parking permits. Also, in consultation with the City of College Park and the County Council, the applicant shall make a good faith effort to discuss with the University of Maryland methods to discourage faculty and staff residing in the project from driving their personal vehicles to the campus in the weekday morning and evening peak periods.
11. Should the residents on Autoville Drive and Cherokee Street west decide to request that the City of College Park create a parking permit zone, the applicant shall support such request with the City.

SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall become effective initially on the date of its enactment, and the rezoning approved herein shall become effective when the applicant accepts in writing the conditions in Section 3.

Ordered this 19th day of November, 2007, by the following vote:

In Favor: Council Members Exum, Bland, Campos, Dean, Dernoga, Harrington, Knotts, Olson and Turner

Opposed:

Abstained:

Absent:

Vote: 9-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Camille A. Exum, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

Case No.: DSP-06095-C

Applicant: JPI Development Services, LP

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council approves Application No. SP-06095, to approve with conditions a rezoning of the R-55 part of the property (1.29 acres) to the M-U-I Zone; and

WHEREAS, the applicant has duly consented in writing to the conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final development district rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. SP-06095 is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional rezoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the Subject Property as conditionally rezoned shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be

sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

SECTION 3. This Ordinance is effective on February 19, 2008, the date of receipt of the applicant's acceptance of the conditions imposed.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council