

Case No. SP-04049

Applicant: PPC/CHP Maryland
Limited Partnership

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

ORDER OF APPROVAL OF REVISED
SITE PLAN CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the conditions in the approval order for DSP-04049, approved by the District Council on 10 July 2007, for property described as approximately 22.37 acres of land in the M-U-I and DDO zones, at US 1, approximately 250 feet south of Peru Road and US 1, and approximately 150 feet south of Hollywood Road, College Park, are:

AMENDED, for the reasons stated by the Zoning Hearing Examiner, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this matter.

As amended, the conditions for DSP-04049 are as follows:

1. If the housing is converted from student housing to multifamily housing for the general population, the owner of the property shall pay, at the time of the conversion, the school facilities surcharge in accordance with the laws at the time of the conversion, but no less than the amount that would have been payable at the time of issuance of the original building permit.
2. Prior to certificate approval of the detailed site plan, the Type II Tree Conservation Plan (TCP II/178/05) shall be revised as follows:
 - a. Revise the plan to reflect the correct acreage of the gross tract area.
 - b. Revise the computation worksheet to reflect changes made to the plan.

- c. Have the revised plan signed and dated by the qualified professional who prepared the plan.
3. In conformance with the College Park Sector Plan and approved Preliminary Plan 4-04104, the applicant and the applicant's heirs, successors and/or assigns shall provide the following:
 - a. Provide a minimum five-foot-wide sidewalk along the subject site's entire frontage of US Route 1, unless modified by SHA.
 - b. Provide the paved trail connection from Autoville Drive to the existing M-NCPPC trail along Paint Branch. This trail shall be within a designated 20-foot-wide public use trail easement and shall be a minimum of eight feet in width for its entire length. Where the trail is co-located with the existing driveway for the Duchene property, it shall be 12-feet-wide and asphalt to allow extra space for motor vehicles and to minimize potential conflicts with trail users.
4. Prior to certification, the following revisions shall be made:
 - a. Consistent with the College Park Sector Plan, the southern, northern and western building elevations shall be revised to consist of 75 percent masonry building materials, excluding windows and doors. The eastern elevation shall consist of 100 percent masonry building materials, excluding windows and doors.
 - b. Provide a note on the plan stating that no access shall be permitted via Parcel 3.
5. Prior to the certificate of occupancy, the eight-foot-wide asphalt hiker/biker trail and boardwalk shall be completed.
6. Prior to the approval of any building permit, the Applicant shall file a detailed site plan for commercial office and/or retail or similar uses on Parcel 1 and Parcel 2. In the event the detailed site plan is not approved within two (2) years after issuance of the certificate of occupancy for the student housing project on Parcel 3, the applicant shall pay to the Maryland-National Capital Park and Planning Commission the sum of \$300,000 to be used by the Commission for the extension of the Paint Branch Trail system toward Beltsville or, if such project has been funded, for use of other trail extensions in the Beltsville or North College Park area. The Applicant shall submit a copy of the certificate of occupancy into the record of the detailed site plan for Parcel 1 and Parcel 2. If approval is not obtained within two (2) years

after issuance of the certificate of occupancy, the Applicant shall pay the fee prior to the issuance of any building permit for Parcel 1 and Parcel 2. The Applicant may not enter into nor maintain any Agreement that prohibits it from developing Parcel 1 and Parcel 2 for commercial office and/or retail or similar uses. Prior to issuance of building permits, the Applicant shall certify that development of Parcel 1 and Parcel 2 are not subject to any Agreement prohibiting or restricting commercial development.

7. The applicant and its successors and assigns agree to provide access upon demand onto the property for future connection to Hollywood Road extended and to take no action on the property to compromise or block the eventual connection of Autoville Drive and Hollywood Road extended.
8. Prior to the issuance of building permit, the applicant shall submit a copy of its written agreement with the University of Maryland regarding the shuttle service.
9. “Temporary” access to the multifamily parcel from US Route 1 shall be via private drive no further south than abutting the northern property line of Parcel 2.
10. When a procedure whereby property owners on US 1 in College Park the pro rata share of the cost of placing underground all utilities crossing their properties is established, payment shall be made to an escrow account to be established by the City of College Park, a sum not to exceed \$200,000. If a process is not created by January 1, 2019, this condition expires.
11. The applicant shall submit an analysis prepared by a LEED accredited professional demonstrating that the proposed development is designed to satisfy at least the LEED Certified Standard. If the applicant determines that it is unable to design the project to satisfy the LEED Certified Standard, it may apply to the District Council for a waiver, and pay a fee-in-lieu for each point that it is deficient. The amount and use of the specific environmental use of the fee-in-lieu shall be determined at the time any waiver is granted.
12. At the time of approval of the building permit, with respect to stormwater management approvals, the Applicant shall demonstrate that environmental site design has been implemented to the maximum extent practicable, and that standard best management practices have been used only where absolutely necessary. The Applicant shall demonstrate that its plans:
 - a. prevent soil erosion;
 - b. prevent, to the maximum extent practicable, an increase in nonpoint pollution;

- c. maintain the integrity of stream channels for their biological function, as well as for drainage;
 - d. minimize pollutants in stormwater runoff in order to:
 - 1. restore, enhance and maintain the chemical, physical, and biological integrity of the waters of the state; and
 - 2. safeguard fish and aquatic life and scenic and ecological values; and
 - e. captures and treats stormwater runoff to remove pollutants and enhance water quality; and
 - f. implements a channel protection strategy to reduce downstream erosion in the Paint Branch.
13. To minimize impervious surfaces on the site, the plan shall be revised to show that the paved portion of North Autoville Drive shall not be extended south beyond the line formed by the south edge of the parking garage, except as required for emergency vehicle access. However, the western sidewalk shall be extended south to connect to the path that encircles the multifamily building.
14. The applicant shall participate in a Transportation Study of the US Route 1 Corridor in the City of College Park for evaluation of transit strategies, including a US 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 US 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 US Route 1 shuttle, which contribution shall not exceed the cost of a private shuttle for the Subject Property alone. It is not intended that the applicant shall be required to contribute to and participate in both the University of Maryland Shuttle Service and a separate US Route 1 shuttle system.

In the event that a new or enhanced US 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 or participate with the University of Maryland Shuttle Service in accordance with a schedule and routes agreed to with the City of College Park.

If, after initiation of a private shuttle, a US 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 US 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 the University of Maryland, and that depending on the findings of the Transportation Study of the US Route 1 Corridor and depending on the success of a private shuttle or a comprehensive US Route 1 shuttle system, that this condition may be modified.

15. 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.

Ordered this 23rd day of June, 2010, by the following vote:

In Favor: Council Members Dernoga, Bland, Campos, Dean, Exum, and Harrison.

Opposed:

Abstained:

Absent: Council Members Knotts, Olson, and Turner.

Vote: 6-0

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: _____
Thomas E. Dernoga, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council