

Case No. SP-04049

Applicant: PPC/CHP Maryland  
Limited Partnership

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

REVISED ORDER AFFIRMING PLANNING BOARD DECISION,  
WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 06-101, to approve with conditions a detailed site plan for the construction of 231 multifamily dwelling units (student housing) and infrastructure for future commercial retail, for a project referred to as Mazza Grandmarc Apartments, on 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, is:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case, except as stated herein.

A. With revised conditions as stated herein, the District Council finds, in accordance with Sections 27-285 and 27-290 of the Zoning Ordinance, that detailed site plan SP-04049 represents a reasonable alternative for satisfying the site design guidelines of Part 3, Division 9, of the Ordinance, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use. In addition, in accordance with Section 27-548.25 of the Zoning Ordinance, detailed site plan SP-04049 is in general conformance with the development district standards provided in the College Park US 1 Corridor Sector Plan and Sectional Map Amendment (the "College Park Sector Plan"). Further, in accordance with Sections 27-546.18 of the Zoning Ordinance, detailed site plan SP-04049 is in substantial conformance with those

regulations in the Zoning Ordinance that are not specifically addressed in the College Park Sector Plan.

B. Requests to Amend the Development District Standards.

The Applicant requests six amendments to the development district standards:

1. The Applicant requests an amendment of the standard regarding the provision of a continuous system sidewalks on both sides of the street (Public Areas P2.A.). For the reasons stated by the Planning Board, the District Council finds that the amendment will not substantially impair implementation of the Sector Plan.
2. The Applicant requests an amendment of the standard regarding the limit on the height of the parking garage (Site Design S2.N.). For the reasons stated by the Planning Board, the District Council finds that the amendment will not substantially impair implementation of the Sector Plan.
3. The Applicant requests an amendment of the standard regarding the provision of a balcony for each dwelling unit (Building Design B1.I.). For the reasons stated by the Planning Board, the District Council finds that the amendment will not substantially impair implementation of the Sector Plan.
4. The Applicant requests an amendment of the standard regarding the average size of multifamily dwelling units (Building Design B1.M.). For the reasons stated by the Planning Board, the District Council finds that the amendment will not substantially impair implementation of the Sector Plan.
5. The Applicant requests an amendment of the standard regarding the bedroom percentage limitation (Building Design as B1.N.). For the reasons stated by the Planning Board, the District Council finds that the amendment will not substantially impair implementation of the Sector Plan.

6. The Applicant requests an amendment of the standard regarding construction with a minimum of 75% exterior facades in brick, stone or other approved equal materials (Building Design B3.C.). The District Council finds that the requested amendment will not benefit the development district and will substantially impair implementation of the Sector Plan. It is a false premise that the façade that will be the most visible will be the east façade facing US Route 1. Both the north and south facades will be highly visible from US Route 1. In addition, with the efforts to expand use of the Paint Branch Trail system and considering future development to the west, the west façade will also be reasonably visible such that there is no compelling reason to amend this development district standard.

C. Additional Findings.

The original parcel has been subdivided into 5 parcels, including two parcels fronting on US Route 1 for which commercial/retail development is suggested. The College Park Sector Plan recommends that uses in this subject area (Area 4F) provide for commercial uses along US Route 1 and multifamily dwelling uses along North Autoville Drive with view of the Paint Branch stream valley system. The subject application suggests that it is following these recommendations; however, it has deferred the much needed commercial/retail development fronting on US Route 1 to an unstated time in the future. There is no shortage of proposals to provide multifamily housing in Prince George's County in general, and along US Route 1 in College Park in particular. In terms of staging, the instant proposal is unacceptable. While the multifamily component may proceed in advance of commercial/retail development, the applicant cannot ignore the mixed-use nature of the zone or the Subarea recommendations. All too often, promises of development of office and/or retail development after residential development are empty promises. The issuance of use and occupancy permits will be conditioned on advancement of the commercial/retail development.

In addition, access to the multifamily residential parcel from US Route 1 has been the subject of disagreement because of the potential impact to the longstanding commercial use to the south (Jordan Kitts). This commercial establishment is a unique business that is of significant value to Prince George's County. The proposed temporary access point is unacceptable and cannot be approved. There is no assurance that access will be provided from North Autoville Drive within a reasonable period of time, and the access point could become, de facto, the permanent access point and be detrimental to the adjoining business establishment. Approval of detailed site plan SP-04049 will be conditioned on relocating the access point.

The College Park Sector Plan contains four Goals for the Environmental Network:

First, improve the quality and aesthetics of the natural environment along US 1 and Paint Branch to improve both air and water quality.

Second, enhance water quality and natural stream functions by incorporating appropriate low-impact development techniques and bioengineering practices to manage stormwater run-off, control stormwater quality, and improve the quality of receiving streams.

Third, enhance the natural environment by creating and providing access to new green infrastructure elements and providing public access to open space along the US 1 corridor as development occurs.

Fourth, enhance the sustainability of the built environment by incorporating green building techniques, energy efficiency in buildings, and waste reduction and recycling programs into development proposals.

The administrative record contains some evidence that detailed site plan SP-04049 furthers some of these goals. Clearly, the detailed site plan provides access to open space along the US Route 1 corridor, and provides for stream bank stabilization. The underground

stormwater management facility may also further these goals, but the conceptual plan approval does not contain sufficient information to determine whether the “water quality and natural stream functions” will be enhanced “by incorporating appropriate low-impact development techniques and bioengineering practices.” Simply providing underground stormwater management facilities does not address the broader water quality and natural stream function goals. The record contains no evidence concerning the use of “green building techniques, energy efficiency in buildings, and waste reduction and recycling programs.” The lack of consideration of this goal was admitted at the hearing. The College Park Sector Plan makes the Environmental Framework a key element to development of the corridor. This matter should be remanded for additional evidence concerning how detailed site plan SP-04049 furthers each of these goals. However, in the interest of advancing this application forward, conditions will be added to address this shortcoming.

D. The District Council’s decision to affirm the Planning Board’s decision is subject to the following conditions:

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 prior to certificate of occupancy, 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 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. Consistent with the College Park Sector Plan, utilities for the project shall be underground. When Parcel 1 and Parcel 2 are submitted for detailed site plan approval, the utilities along US Route 1 shall also be underground.
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 10th day of July, 2007, by the following vote:

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

Opposed:

Abstained:

Recused: Council Member Olson

Absent:

Vote: 8-0

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