

Case No. SP-07062-C

Applicant: College Park Gateway
Properties, LLC

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

ZONING ORDINANCE NO. 8- 2009

AN ORDINANCE to approve alternative development district standards, a detailed site plan, with conditions, and to rezone a portion of R-O-S Zone property to the M-U-I Zone.

WHEREAS, Application No. SP-07062 was filed to obtain approval of alternative development district standards, a detailed site plan for a mixed-use project consisting of 258 mid-rise residential rental apartment units for students attending the University of Maryland, approximately 20,019 square feet of commercial/retail space, an amendment to the 30% percent open area requirement of Aviation Policy Area 4, and a rezoning of a portion of the site (1.07 acres) in the R-O-S Zone to the M-U-I Zone, on property described as approximately 4.61 acres of land in the M-U-I/D-D-O/R-O-S zones, located on the west side of Baltimore Avenue (US 1), directly across from its intersection with Melbourne Place, College Park; and

WHEREAS, the property was posted, in accordance with all requirements of law, and the application was reviewed in public hearing before the Planning Board; and

WHEREAS, in PGCPB No. 09-20, the Planning Board by resolution recommended District Council approval of the alternative development district standards, a detailed site plan, with conditions, an amendment to the open area requirement of Aviation Policy Area 4, and the partial rezoning of the R-O-S Zone property; and

WHEREAS, having reviewed the record, the District Council has determined that the application should be approved, as recommended by the Planning Board; and

WHEREAS, as the basis for this action, the District Council adopts the Planning Board's decision in PGCPB No. 09-20 as its findings of fact and conclusions of law, as supported by the Technical Staff Report and the record for SP-07062; and

WHEREAS, to protect adjacent properties and the general neighborhood, the District Council has determined that this application should be approved subject to conditions.

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 to show the rezoning of 1.07 acres from the R-O-S Zone to the M-U-I Zone, within the property that is the subject of Application No. SP-07062.

SECTION 2. The District Council hereby approves alternative development district standards, as follows:

1. P6. Utilities, A - To allow the applicant to retain the existing above-ground utility poles at the current locations without relocating them underground; however, all new utilities serving the proposed development shall be placed underground.
2. S2. Parking for a mixed-use development project and Standard W. Parking credit for use of alternative modes of transportation - To allow an additional 20 percent parking reduction due to provision of a private shuttle bus as one of the incentives to encourage the use of alternative modes of transportation other than single occupancy vehicles; provision of a bridge across the Paint Branch stream to allow students to go to the campus on foot or by bicycle; provision of bicycle storage facilities and provision of parking on the University of Maryland Campus and provision of a minimum three percent of parking spaces for various car-sharing programs including provision of car-sharing service by the developer.
3. S6. Trees, Plantings, and Open Space, C - To allow approximately 3.57 percent of tree canopy coverage due to the applicant's provision of off-site afforestation within the stream buffer; green roof, high solar reflectance index roof, and capturing and re-using 100 percent of the stormwater.
4. B1. Height, Scale, Massing and Size. Height - To allow the height of the proposed building to be one story higher than the maximum height limit of five stories for the subareas.

5. B1. Height, Scale, Massing and Size. Massing, I - To allow the applicant not to provide balconies for every unit for the multifamily section, instead to allow the applicant to use a combination of storefront at street level, open-aired terrace, large window openings along with other façade elements to articulate the façade and to increase natural surveillance of the surrounding area.
6. B1. Height, Scale, Massing and Size. Size, M - To allow the applicant to use smaller unit sizes due to the fact that the project is specifically designed for students attending the University of Maryland and because various unit sizes are necessary in order to respond to the student housing demand.
7. B1. Height, Scale, Massing and Size. Bedroom Percentage, N - To allow the applicant to have 25.2 percent of the units to be three-bedroom units and 64.7 percent of the units to be four-bedroom units because the project is specifically designed for students attending the University of Maryland.
8. B3. Architectural Materials and Details, C - To allow the elevations to be finished with less than 75 percent brick.

SECTION 3. The District Council hereby approves, as requested in Application No. SP-07062, amendment of the 30% open area requirement of Aviation Policy Area 4 of the College Park Airport, as provided in Subtitle 10B, Airport Compatibility, of the Zoning Ordinance, to allow the applicant not to provide the required open area.

SECTION 4. The District Council hereby approves the applicant's detailed site plan, DSP-07062, for College Park Student Housing, and the Type II Tree Conservation Plan, TCP II/071/08, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall:
 - a. Obtain signature approval of Preliminary Plan of Subdivision 4-07095 and Type I Tree Conservation Plan TCP I/028/08.
 - b. Revise the DSP, TCP II, and Landscape Plan to reflect the retention and re-use of 100 percent of the stormwater that is intercepted by utilizing green roof techniques.
 - c. Demonstrate the approval of the proposed 100-year floodplain and compensatory storage by the Department of Public Works and Transportation (DPW&T).

- d. Provide covered storage facilities for securing 137 bicycles in the parking garage, in addition to storage facilities for bicycles in front of the first floor commercial uses fronting Baltimore Avenue.
- e. Provide evidence from the affected utility companies indicating that a regular public utility easement is not required between the site's frontage and Baltimore Avenue and that the utility lines will be placed within the ROW of Baltimore Avenue.
- f. Provide evidence that the State Highway Administration will allow the utility arrangement referred in Condition 1(e).
- g. Provide a detailed list of the on-site recreational facilities with cost information to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
- h. Identify the required parking spaces for the physically handicapped on the site plan and include the number of spaces in the parking calculation.
- i. Identify a minimum seven parking spaces as designated parking spaces for a possible future car-sharing program.
- j. Provide lighting fixture details to be reviewed by the Urban Design Section as the designee of the Planning Board in consultation with the City of College Park.
- k. Provide a sign design plan to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
- l. Provide a Section 4.1 landscape schedule.
- m. Revise and show all sensitive environmental features on the site in accordance with the signed NRI, and add the corresponding symbols to the legend of each plan.
- n. Provide additional brick on the east elevation to be reviewed and approved by the Urban Design section as the designee of the Planning Board.
- o. Provide wider sidewalks to be consistent with the developed adjacent property to the north.
- p. Demonstrate that the proposed student housing building is not located within the ultimate right-of-way for US 1, as shown on the approved preliminary plan of subdivision.

- q. Provide sufficient information that demonstrates that the proposed parking arrangement with the University would be permanent, or provide an acceptable alternate that is acceptable to the City and ensure parking to all residents on a permanent basis.
- r. Provide details of the proposed green screen to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
- s. Revise the TCP II as follows:
 - (1) Show a continuous building footprint for all buildings proposed on the site.
 - (2) Identify all symbols and line types on the plan and in the legend.
 - (3) Show a visible existing tree line and use a heavier line so that the tree line is more visible on the plan.
 - (4) Revise the worksheet accordingly.
- t. Provide the following additional information:
 - (1) An updated letter from the University of Maryland reaffirming the availability of parking on campus to accommodate the parking needs of residents.
 - (2) A written justification for the 20 percent parking credit for alternate modes of transportation that, at a minimum, includes language that supports a car-sharing program, a University of Maryland bicycle lending/leasing program, and University of Maryland shuttle service.
 - (3) A color and materials board and lighting plan to be reviewed and approved by the Urban Design Section as the designee of the Planning Board and District Council, in consultation with the City of College Park.
 - (4) A minimum of three trash receptacles along the US 1 streetscape at stairway locations and an additional trash receptacle on the arcade level.
 - (5) A note that crosswalks on US 1 and Melbourne Place are to be constructed of interlocking pavers or stamped concrete, subject to SHA approval.

- (6) Sidewalk material continued over the driveway aprons.
 - (7) A note that the applicant will be responsible for any signal modifications to the traffic light at US 1 and Melbourne Place.
 - (8) A specification for the wheelchair lifts and delineation of access to the lift shown on the northern elevation.
 - (9) A “Do Not Enter Sign” to prevent residents from accessing the one-way service drive.
 - (10) A lighting plan that includes building lights to illuminate the pedestrian pathway on the north side of the building.
 - (11) A note on the landscape plan that reads “All landscaping within the courtyard and along the front of the building needs to be irrigated by an automatic underground irrigation system.”
 - (12) Extension of the proposed green screen along the parking area along the southern property line or work with the University of Maryland to provide additional plant material at North Gate Park to screen the parking and provide copies of the park improvement plans to the City of College Park and M-NCPPC.
 - (13) The final exterior design of the wheelchair lift area on the southern elevation to be reviewed and approved by the Urban Design Section as the designee of the Planning Board in consultation with the City of College Park. The design may include, but is not limited to, an area for public art installation.
 - (14) The design of the retail frontage on the south elevation to be reviewed and approved by the Urban Design Section as the designee of the Planning Board in consultation with the City of College Park. The design may include, but is not limited to, design features that will take advantage of the views into North Gate Park, such as increased fenestration, additional outdoor seating area, or open air dining opportunities.
 - (15) The fencing material around the parking deck.
 - (16) A railing along the walkway on the north elevation by the retail, if the walkway is not at grade.
- u. Provide evidence that the land exchange has been finalized.

2. At the time of final plat, a note shall be placed on the plat as follows:

“The residential component of DSP-07062 is approved for student housing that is not included in Section 27-548.43, Notification of airport environment. In addition, the DSP does not provide all required parking on-site due to the commitment of the University of Maryland to provide additional on-campus parking spaces to accommodate the rest of the required parking for the project. Any future use of this project other than student housing with ground floor commercial uses shall be approved by the Planning Board.”
3. Prior to issuance of the building permit, the applicant shall provide evidence showing that an agreement has been achieved between the applicant and the University of Maryland for providing shuttle bus service from the subject site to the campus of the University of Maryland.
4. When a procedure whereby property owners on US 1 in College Park pay 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.
5. Prior to obtaining a building permit, the applicant shall execute a written agreement with the University of Maryland for a UM Shuttle stop contiguous to the site. Service to the stop shall be generally consistent with that offered by the University of Maryland to similar sites on a regular shuttle circuit. In lieu of an agreement with the University of Maryland, the applicant shall provide a private shuttle to and from the University of Maryland that operates consistent with that offered to similar sites on a regular University of Maryland shuttle circuit. Specifications and assurances for any shuttle service, which shall continue for so long as the property is used for student housing, shall be provided to the City of College Park prior to issuance of any building permit, and information regarding the shuttle service shall be included in marketing material for the project. In addition, the applicant shall survey its residents concerning commuting patterns and habits within six months of substantial completion of the project and shall share this information with the City of College Park.
6. Prior to the issuance of the first building permit, if required by the State Highway Administration (SHA), the construction of the proposed US 1 street improvements along the property’s street frontage, as per specifications provided by SHA, shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the City of College Park and/or SHA.
7. The applicant shall record a plat of street dedication in conjunction with the final plat for Parcel A for dedication of 1,600 square feet of right-of-way of US 1 along

the frontage of Parcel A currently in the ownership of the Maryland-National Capital Park and Planning Commission.

8. Prior to issuance of any building permits, the Department of Parks and Recreation (DPR) shall review and approve the stormwater management (SWM) plan including the planned outfall on park property. The SWM plan shall include technical details including but not limited to the pipe profile, invert elevations, rip-rap size and limits, headwall details, discharge rate (cf/sec for 10 year storm). The SWM plan shall show, to the satisfaction of DPR, that the impacts to the adjacent Paint Branch Stream Valley Park are minimized. The approval of the SWM plan shall not be unreasonably withheld.
9. Prior to issuance of the grading permit, the applicant shall submit a bond to DPR for the construction of the SMW outfall to guarantee the prompt and satisfactory construction of the improvements on park property and proper restoration of disturbed parkland.
10. Prior to issuance of the grading permit, and in accordance with the approved preliminary plan of subdivision, as mitigation for impacting the stream buffer and expanded stream buffer on M-NCPPC property, the applicant shall submit TCP II and an erosion and sediment control plan for plant removal and reforestation on parkland to DPR for review and approval.
11. Prior to issuance of the grading permit for subject property, the applicant shall enter into the Right of Entry Agreement for any work on park property.
12. Prior to issuance of any building permits, the applicant shall submit to DPR the construction drawings for a retaining wall or other engineered structures along the adjacent parkland which mitigate development impact to the environmentally sensitive areas of Paint Branch Steam Valley Park and/or protect proposed development from damage from movement of Paint Branch.

SECTION 5. 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 4.

Ordered this 23 day of March, 2009, by the following vote:

In Favor: Council Members Bland, Campos, Dernoga, Harrison, Knotts, Olson, Turner.

Opposed:

Abstained:

Absent: Council Members Dean and Exum.

Vote: 7-0

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: _____
Marilynn M. Bland, Chairperson

ATTEST:

Redis C. Floyd
Clerk of the Council

Case No.: SP-07062-C

Applicant: College park Gateway
Properties, LLC

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDER to incorporate the applicant's acceptance of conditions, and to grant final conditional approval of a detailed site plan, alternative development district standards, an amendment to the 30% open area requirement of Aviation Policy Area 4, and rezoning.

WHEREAS, the District Council approved Application No. SP-07062-C, to approve with conditions alternative development district standards, a detailed site plan showing a mixed-use project, consisting of 258 mid-rise residential rental apartment units for students attending the University of Maryland, approximately 20,019 square feet of commercial/retail space, an amendment to the 30% open area requirement of Aviation Policy Area 4, and a rezoning of a portion of the site (1.07 acres) in the R-O-S Zone to the M-U-I Zone, on property described as approximately 4.61 acres of land in the M-U-I/D-D-O/R-O-S zones, located on the west side of Baltimore Avenue (US 1), directly across from its intersection with Melbourne Place, College Park;

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 the conceptual site plan.

IT IS, THEREFORE, ORDERED:

1. Final conditional approval of Application No. SP-07062-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional

approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

2. Use of the subject property as conditionally approved 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.

3. This Ordinance is effective on March 24, 2009, 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: _____
Marilynn M. Bland, Chairperson

ATTEST:

Redis C. Floyd
Clerk of the Council