

PGCPB No. 04-193(A)

File No. DSP-03098

A M E N D E D R E S O L U T I O N

***WHEREAS, the Prince George's County Planning Board recommended APPROVAL of DSP-03098 (PGCPB No. 04-193) to the District Council on September 23, 2004; and**

***WHEREAS, the District Council remanded the Detailed Site Plan to the Planning Board on May 9, 2005; and**

WHEREAS, ***pursuant to the District Council's Remand Order** the Prince George's County Planning Board recommended that the District Council approve the Detailed Site Plan pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, the Planning Board recommended approval of an Amendment for the District Council to change the underlying zone from R-T to M-U-I for approximately 3.6 acres at the eastern end of the site; and

WHEREAS, in consideration of evidence presented at a public hearing on July 29, 2004, regarding Detailed Site Plan DSP-03098 for Jefferson Square, the Planning Board finds:

- *1. **Request:** The detailed site plan is for Jefferson Square, a proposed mixed-use development with **178**[237] mid-rise rental apartments, **18** [8] rental townhouses and **8,054**[3,405] square feet of commercial retail space on a 4.56-acre site in the M-U-I and R-T Zones. The applicant is also requesting to change the underlying zone for a portion of the site from the R-T Zone to the M-U-I Zone.
2. **Location:** The site is located on the east side of US 1 at the intersection with Cherokee Street, in the City of College Park. The site is also located in Subarea 4e of the Approved College Park US 1 Corridor Sector Plan where detailed site plan review is required in accordance with the Development District Overlay Zone (DDOZ).
3. **Surrounding Uses:** The site is bounded on the west by US 1; on the south by the SHA ramp from MD 193 to US 1 and by Catawba Street, a 50-foot residential street that provides access to College Park Mews, an existing townhouse development in the R-T Zone; to the east by existing single-family residential development, separated from the site by a 20-foot-wide paper (unpaved) street/alley with existing vegetation; and to the north by Cherokee Street (variable width). Uses across Cherokee Street include a hotel, rental apartments and a church.

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*4. **Development Data Summary:**

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	EXISTING	PROPOSED
Zone(s)	M-U-I and R-T	M-U-I
Use(s)	Existing Commercial in M-U-I Zone	Apartments & Commercial
Acreage	4.56	4.56
Lots	0	0
Parcel	1	1
Square Footage/GFA	3,300	8,054 [3,405]
Dwelling Units:	0	196 [245]
Multifamily (Rental)		178 [237]
Attached (rental)		18 [8]

Proposed Multifamily Unit Breakdown:

*Number of Bedrooms	Percentage of MFDUs	Average Size
118 [127] One Bedroom	66.3 [54]%	750 SF
52 [86] Two Bedroom	29.2 [36]%	1,075 [1,050] SF
8 [24] Three Bedroom	4.5 [10]%	1,350 [1,475] SF

***Proposed Townhouse Units**

18 [8] Townhouses	1,700 [2,160] SF
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***Maximum Number of Parking Spaces Allowed:**

One bedroom	118 [127] x 2.0 spaces =	236 [254]
Two bedroom	56 [86] x 2.5 spaces =	130 [215]
Three bedroom	8 [24] x 3.0 spaces =	24 [72]
Townhouses	18 [8] x 2.04 spaces =	37 [17]
Retail	8,054 [3,405] sf =	46 [23]
Total		473 [581] spaces maximum

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***Minimum Number of Parking Spaces Required (10% less than maximum):**

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473 [581]
- 47 [58]
426 [523] spaces minimum

***Reduction for Shared Parking (Table 15, College Park US1 Corridor Sector Plan)**

Use	Weekday		Weekend		Nighttime
	Daytime	Evening	Daytime	Evening	Evening
Residential	60%= <u>231</u> [300]	90%= <u>347</u> [450]	80%= <u>308</u> [400]	90%= <u>347</u> [450]	100%= <u>385</u> [502]
Commercial	60%= <u>25</u> [12]	90%= <u>37</u> [19]	100%= <u>41</u> [21]	70%= <u>29</u> [15]	5%= <u>3</u> [2]
Total Spaces	<u>256</u> [312]	<u>384</u> [469]	<u>349</u> [421]	<u>376</u> [465]	<u>388</u> [504]

Note: The highest number of parking spaces becomes the minimum number of spaces required. *
Therefore, 388 parking spaces are required.

[Parking Credits for Use of Alternative Modes of Transportation: The applicant requests a 16 percent reduction in the minimum number of parking spaces required (504-82=422 spaces). See Finding 10 below for further discussion.]* **The applicant has withdrawn their request to utilize parking credits.

***Parking Provided**

Surface spaces	16
Structured Parking	<u>294</u> [381]
Townhouse garage parking	<u>36</u> [8]
Townhouse driveway parking	<u>36</u> [8]
Parallel (on-site) parking	<u>6</u> [9]
Total spaces provided	<u>388</u> [422]

Required Findings:

- Section 27-548.25(a) of the Zoning Ordinance requires that a detailed site plan be approved by the Planning Board in accordance with Part 3, Division 9, of the Zoning Ordinance. The detailed site plan submitted has been reviewed in accordance with those provisions, and it can be found that the plan represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

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- Section 27-548.25(b) requires that the Planning Board find that the site plan meets applicable Development District Standards (DDS). In general, the detailed site plan meets the applicable DDS. If

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the applicant intends to deviate from the DDS, the Planning Board must find that the alternative DDS will benefit the development and the development district and will not substantially impair implementation of the sector plan.

***In response to the Order of Remand, specifically to Item B with regard to the Development District Standards, the applicant has withdrawn several of the amendments originally requested below. The number of amendments now consists of three, concerning the undergrounding of utilities; the request to use Hardiplank and Hardipanel as an “approved equal” for building materials; and to allow the maximum building height for a small portion of the building to be five stories. Under Item b of the Order of Remand, the District Council concluded that “Neither the record nor the recommendations of the staff and Planning Board show why the applicant should be allowed not to comply with all standards...”**

***In their memorandum dated August 9, 2005 (Williams to Wagner), the Community Planning Division offered some insight into the purposes of Development District Standards. “The regulations of both the M-U-I Zone and the DDOZ provide and state the procedures for flexible application of Development District Standards. The purposes for both zoning tools clearly state the desire to provide flexibility and to encourage innovation in planning and design. While Development District Standards are meant to provide uniform development criteria, they are not intended to be hard regulations that can never be adjusted. Rather, flexibility is not only seen as necessary in certain situations due to the conditions of the site or other factors, but is also seen as desirable to allow for innovation and alternative designs”.**

The Development District Standards are organized into three categories: Public Areas, Site Design, and Building Design. The following standards warrant discussion:

P.2.A. Sidewalks

***Sidewalks along Baltimore Avenue shall be compatible in materials to provide a consistent appearance throughout the entire US 1 corridor. Brick, concrete pavers, poured-in-place concrete or other similar materials should be utilized along US 1 and other streets within the development district.**

The plans show concrete walks along Baltimore Avenue. Because this site is in a prominent location with other high-quality future development anticipated nearby, some high-quality materials should be used in the streetscape. Therefore, it is recommended that brick or concrete paver accent bands be provided in the sidewalk along Baltimore Avenue and the public plaza space in front of the retail space, subject to the review and approval of the Planning Board’s designee in consultation with the City of College Park.

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PUBLIC AREAS:

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P.3.C. Street Furniture

Benches, trash receptacles and bicycle racks should be provided along trails, in high pedestrian activity areas, urban parks and bus stops along US 1.

The applicant has met this requirement on the site in recreational areas. However, benches and trash receptacles should be provided at the entrances to the building along US 1 and at the bus stop.

P.5. A. Lighting

Pole-mounted light fixtures shall effectively illuminate all streets and sidewalks within the development district.

Details for the site lighting and lighting along Catawba Street have been provided on the plans. The city has selected a light fixture that is to be used along Baltimore Avenue. The plans should be revised to provide a detail of the light fixture selected by the city and to show the location of all light fixtures on the plan.

P6.A. Utilities

All new development within the development district shall place utility lines underground. Utilities shall include, but are not limited to, electric, natural gas, fiber optics, cable television, telephone, water and sewer.

*The applicant has requested an amendment to modify the above standard. The applicant states, "there is only one utility pole carrying overhead lines located along the US 1 frontage of the subject property. This sole utility pole is proposed to be retained. The applicant does not intend to underground the overhead utilities since there is no financing program in place at this time to implement a systematic undergrounding of utilities along the US 1 corridor." **The applicant added that "both the University View and Terrapin Station site plans were approved with the same modification." The applicant also clarified that an additional utility pole is located on the site carrying utility lines to the existing commercial buildings along US 1. This utility pole will be removed. There will be no utility lines connected from the existing utility pole along US 1 above ground to the proposed building. All new utility lines will be underground to all proposed new buildings.** The applicant also quotes from the sector plan that "the standard [**objective**] in original text] is to reduce the visual impact of existing overhead utility lines and associated poles along Baltimore Avenue within the development district by consolidating utility pole usage, relocating utility poles, or placing existing utility lines underground." The above standard [**objective**] in original text] has been met since the applicant is not providing any

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*additional utility poles along US 1, and the visual impact of the utility lines will be improved by the provision of attractive architecture, street trees, street lighting, and furniture. **Since there is no funding**

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mechanism in place to implement a systematic undergrounding of utilities along the US 1 corridor, and since detailed site plans for University View and Terrapin Station have been approved with the same modification, the applicant should not be required to comply with this requirement. Therefore, the alternate Development District Standard will benefit the development and the development district and will not substantially impair implementation of the sector plan.

SITE DESIGN:

S3.C. Building Siting and Setbacks

A front build-to line between 10 and 20 feet from the ultimate right-of-way shall be established for all buildings in areas 4, 5 and 6. (Type II Street Edge.)

**[The applicant requests to modify the above standard along three streets—Baltimore Avenue, Cherokee Street and Catawba Street—and along a 20-foot-wide paper alley along the east property line.*

Along Baltimore Avenue, the building setback varies from 7.6 feet to 12 feet, primarily because of the jogs in the façade of the building that help articulate the building elevation to make it more visually attractive. The applicant contends that “there is no plan at this time to widen US 1 to its ultimate right-of-way.” The State Highway Administration (SHA) has indicated by memorandum that a study to upgrade US 1 is being conducted and that the proposed dedication area is consistent with the right-of-way needed for the future upgrade. SHA offered no comment on the building setbacks proposed. The applicant intends to provide all other required improvements, such as sidewalks and landscaping, in accordance with the sector plan recommendations. Staff is of the opinion that the alternative DDS will benefit the development and the development district and will not substantially impair implementation of the sector plan.

Along Cherokee Street, a City of College Park-maintained street, the majority of the prescribed building setback has been met. Where the building elevation jogs to provide articulation and visual interest in the building, there are some areas where the building setback is 8.2 feet, a 1.8 deviation in the requirement. The applicant has provided the required sidewalks and landscaping in accordance with the sector plan recommendations. Staff is of the opinion that the alternative Development District Standard will benefit the development and the development district and will not substantially impair implementation of the sector plan.

Along Catawba Street, the building setback varies from 3.3 feet to 5.8 feet from the 50-foot right-of-way. The street is a quiet residential street that provides access to existing single-family detached homes. The proposed housing that will front on this street has been designed to be architecturally compatible in

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**building design, materials and height. Because a public right-of-way will separate the two developments, the buildings will be approximately 70 feet apart. New sidewalks, landscaping and*

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*streetlights that match the existing streetlights will be provided. Staff is of the opinion that the alternative Development District Standard will benefit the development and the development district and will not substantially *impair implementation of the sector plan.*

Along the 20-foot paper alley, the proposed townhouse buildings will be set back six feet from the right-of-way. The city has indicated to staff that they have no intention of constructing the alley. The city has also indicated that they have agreed to provide the applicant with an easement to use the alley as a landscape buffer to provide a vegetative screen between the subject property and the adjacent single-family detached homes. Staff is of the opinion that the alternative Development District Standard will benefit the development and the development district and will not substantially impair implementation of the sector plan.]

***The applicant has withdrawn their request to modify the standards for S3.C. Building Siting and Setbacks. The site plan is now in conformance all building setback requirements.**

BUILDING DESIGN:

B 1. C. Height, Scale, Massing and Size:

Buildings on parcels or properties, one or more of whose boundaries coincide with the Height Transition Line, shall step down to be compatible with buildings in adjacent existing residential neighborhoods. Any differences in topography shall be considered when determining the height of the proposed buildings. (For building heights and Heights Transition Line, see Building Heights Map.)

The building heights map on page 201 of the sector plan indicates that the maximum height, in general, for Subarea 4e is four stories. The applicant originally submitted a plan with all four-story buildings on the site. The plans have been revised to transition down to three stories along the eastern property line adjacent to the existing single-family homes and the southern property line adjacent to the existing townhouse development. The plans are now in conformance with this requirement along the common boundaries shared with the existing residential.

The applicant is requesting an amendment to go to five stories in one particular area along the southern boundary where the buildings would face onto an existing stormwater management facility on land owned by the State Highway Administration, near US 1. The building forms a courtyard in this area that contains an outdoor swimming pool and common recreation area. This area is not directly adjacent to or visible from any existing residential development. The closest residential unit is approximately 180 feet

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*from the five-story section of the building. Moreover, the existing topography in this area is approximately 12 feet lower than the grade on Cherokee Street. The building steps down with the natural terrain to create the five stories while the building is four stories along US 1 and Cherokee Street

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and transitions to three stories adjacent to existing residential development. **Because this section of the building does not impact any existing residential development and because it will not be visible from either MD 193 or US 1, the applicant should not be required to fully comply with the four-story height requirement in the location described above.** Staff is of the opinion that the alternative Development District Standard will benefit the development and the development district and will not substantially impair implementation of the sector plan.

B 3.C. Architectural Features:

All multifamily building types in a development shall have a minimum of 75% of the exterior facades in brick, stone or approved equal (excluding windows, trim and doors).

The applicant has requested a modification to this standard. **However, a modification to this requirement is not needed.** *[In general,]* **T***[t]*he architecture is in conformance with the building design requirements under Architectural Features. **The standard allows for an “approved equal” to be used as a building material.** The building has been designed with high-quality materials consisting of brick and a product called Hardiplank and Hardipanel. Hardi products are made primarily of cement, are more durable than vinyl or aluminum siding, and are moisture resistant, rot resistant and noncombustible. Hardiplank is a siding that has the dimensions and appearance of wood siding. Hardipanel has the appearance of stucco. The applicant has requested that the Hardi product be considered an approved equal to brick or stone. The applicant proposes to provide **65** [55] percent brick and **35** [45] percent Hardiplank and Hardipanel on the exterior facades of the multifamily building. The percentage of brick overall (townhouses and apartments building) is **60** [58] percent, **which meets the requirement of the sector plan; therefore no amendment is necessary.** The amount of brick facing prominent public streets is 71 percent. The City of College Park is in support of the amount of brick proposed for the development and of the use of Hardiplank and Hardipanel as a comparable building material. Staff is of the opinion the proposed building materials are of high quality and, **as the applicant states in their justification statement, “will benefit the development by creating a rich visual palette serving to visually reduce the mass of the building, emphasizing its residential nature along Cherokee and Catawba Streets.”** *[that the alternate Development District Standards will benefit the development and the development district and will not substantially impair implementation of the sector plan].*

B6.F. Building Services

Dumpsters shall be enclosed with a continuous solid, opaque masonry wall or other opaque screening treatment. Buildings should consolidate their garbage storage needs in a single, central location away from public view.

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The site plan generally meets this standard. The applicant has provided a trash dumpster that is wholly within the building; however, it is not clear if the dumpsters will be totally screened from the street. Therefore, it is recommended that the opening to the street that provides access to the dumpsters be provided with gates that are attractive and provide effective screening, subject to the Planning Board's

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designee approval.

B.5. Signs:

The detailed site plan is in conformance with the design standards for signage for the project. A signage plan has been provided by the applicant, which incorporates the standards of the sector plan. Signage identifying the project name is proposed to consist of pinned-on aluminum letters and is to be located on the surface of the building in several locations, not to exceed the requirements of the Prince George's County Zoning Ordinance, including restrictions based on frontage. Lettering and logos are to comply with the design standards outlined in the sector plan. Signage for the retail is to be located above storefronts in a designated 22-inch by 16-foot, 0 inch-signage panel. Signage for retail will be reviewed at the time of permit for the retail space and shall comply with the design standards outlined in the sector plan.

7. Amendment of Approved Development District Overlay Zone.

The applicant has filed a request to change the underlying zone for a section of the property from R-T to M-U-I, pursuant to Section 27-548.26(b) in the Development District Overlay Zone section of the Zoning Ordinance. The area of the property zoned R-T is approximately 3.6 acres in size and lies behind the M-U-I-zoned portion of the development that fronts onto Baltimore Avenue. The site is bounded by Cherokee Street to the north, a 20-foot-wide paper alley to the east, and Catawba Street to the south. The owner of the property may request changes to the underlying zone in conjunction with the review of a detailed site plan. Pursuant to Section 27-548.26(b)(3), the Planning Board is required to hold a public hearing on the application and make a recommendation to the District Council. Only the District Council may approve a request to change the underlying zone of a property. The applicant is also required to meet requirements of Section 27-546.16 of the Zoning Ordinance for the Mixed-Use Infill Zone (M-U-I).

Under Section 27-548.26(b)(5), the District Council is required to find "that the proposed development conforms with the purposes and recommendations for the Development District as stated in the Master Plan, Master Plan Amendment or Sector Plan, and meets applicable site plan requirements." The development generally conforms to the applicable site plan requirements. As mentioned in Finding 6 above, the applicant has applied for several amendments to the Development District Standards. The sector plan does not contain a purpose section, but identifies four primary goals under Sector Plan Summary (p.159) to be implemented through the Development District Standards:

"First, to create an attractive and vibrant gateway corridor leading to The University of Maryland and the City of College Park.

"Second, to promote quality development by transforming US 1 into a gateway boulevard, main street, and town center in a pedestrian and bicycle-friendly environment.

"Third, to provide a diverse mix of land uses in compact and vertical mixed-use development forms in appropriate locations along the corridor.

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“Fourth, to encourage multifamily development to reduce the use of the automobile and also to expand the opportunity for living, working and studying within the corridor.”

Under “Area and Subarea Recommendations” on page 36 of the sector plan, land use and urban design recommendations are provided that establish the “preferred mix, type and form of development desired in the six areas and their subareas.” For Subarea 4e on page 161, the following is recommended:

“The vision for this subarea is for infill and redevelopment including a mix of retail, office, and residential uses in mid-rise buildings. Adequate buffers should be provided and building heights should step down to be compatible with adjacent existing residential neighborhood.”

The Community Planning Division made reference to the above sector plan recommendation in a memorandum dated July 1, 2004 (Chang to Wagner), and further commented that “This vision statement is one of the key elements of the development district standards of this Sector Plan and should serve as the prime guide for determining the sector plan.” The memorandum goes on to state that “The Land Use Plan-North map (Map 7a) on page 32 shows single-family attached residential use for the portion requested for rezoning to the M-U-I Zone. The reference to mid-rise buildings on page 161 relates to building heights rather than distinguishing between housing use types. In Subarea 4, building heights are limited between three to eight stories (page 168, Table 14). Such buildings could include either single-family attached or multifamily units.”

The entire property is located within Subarea 4e of the Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment. Approximately 0.97 acre of the 4.56-acre site was zoned M-U-I with the sectional map amendment, and there are two existing uses on the property; Atlantic Paging and Cellular and Mandalay Restaurant and Cafe. The balance of the property was retained in the R-T Zone. Under “Corridor-wide Land Use and Zoning Recommendations” on page 31, item 6 of the sector plan, the following recommendation is made:

“Throughout the sector plan area, private residential property is in small, individually owned lots where land assembly is needed before redevelopment can occur. The SMA has not rezoned private residential properties because no redevelopment proposal was pending at the time of SMA approval, except where land assembly had occurred in Subarea 5b. These properties could be rezoned under provisions of the DDOZ at such time as sufficient land assembly has occurred to support approval of a development proposal found to be in conformance with both the sector plan’s land use and the DDOZ’s development district standards.”

Under Section 27-546.16(b)(2) of the Zoning Ordinance, “the owner is required to meet all requirements in the Section and show that the proposed rezoning and development will be compatible with existing or approved future development on adjacent properties.” Additionally under Section 27-546.16(c), “The M-U-I Zone may be approved only on property which adjoins existing developed properties for 20% or more of its boundaries, adjoins property in the M-U-I Zone, or is recommended for mixed-use infill development in an approved Master Plan, Sector Plan, or other applicable plan. Adjoining development may be residential, commercial, industrial, or institutional but must have a density of at least 3.5 units per acre for residential or a floor area ratio of at least 0.15 for non-residential development.”

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Comment: The applicant has provided a justification statement dated May 4, 2004 (LaRocca to Wagner), that outlines how the proposed development plan meets the above requirements. In general, the goals and recommendations of the sector plan have been met by providing a compact and vertically mixed-use development consisting of 237 mid-rise, market rate, rental apartments, 8 townhouses, and 3,405 square feet of retail space. The proposed mixed-use building will create a strong presence on Baltimore Avenue, articulating the corner location with the provision of ground-level retail with residential above while providing for an attractive and vibrant gateway to the City of College Park. The buildings will be sited close to the streets, with attractive streetscapes consisting of special paving and lighting, street furniture, bicycle racks, outdoor seating areas for restaurants, and an abundance of public and private landscaping. As the building transitions back into the residential neighborhoods, the architecture of the buildings has been designed to incorporate more residential-scaled details such as dormers, reverse gables, decorative window and door treatment, French balconies, and pocket parks with attractive landscaping and has utilized building materials that are compatible with the existing surrounding residential neighborhoods. Three-story townhouses are proposed on the far eastern portion of the site as a “step down” transition in building height in order to be compatible with the adjacent existing residential neighborhood consisting of single-family detached homes to the east and townhouses to the south, across Catawba Street.

A new private street will be provided connecting Cherokee Street with Catawba Street. The private street will provide separation between the multifamily dwellings and the proposed rental townhouses, while also providing greater separation between the multifamily units and the existing residential neighborhoods to the east and south. The private street also provides residents and neighbors with an alternate route to Rhode Island Avenue and points south, while also providing redundant points of access to the site.

Most of the proposed parking will be provided in a five-level parking structure, accessed from Cherokee Street. The structure will be completely wrapped by the building, screening it from the public view. The structure will provide direct vehicular access to each level of the building for easy access to individual units. A small surface parking lot will be provided at the building's main entrance off of Cherokee Street that will be screened by the use of masonry walls and landscaping. Parking for the eight townhouse units will be provided to the rear of the buildings. Each dwelling will have one garage space under the units as well as a parking space in the driveway. Nine parallel spaces are provided on the private street.

The applicant has proffered to provide a private shuttle that will go to the Greenbelt Metro Station on a regular basis to help reduce the use of the automobile. The applicant has also proffered to upgrade the existing bus stop along US 1 in front of the site. The bus stop is currently served by Metrobus, TheBus and Shuttle UM.

Adequate landscape buffers that are in conformance with the requirements of the *Landscape Manual* have been provided between the development and the existing neighborhoodss The City of College Park has agreed to provide the developer with a landscape easement for the use of the city-owned, 20-foot paper alley for screening the development from the existing single-family homes to the east. A required 20-foot-wide landscape buffer has been provided along the southern property line where townhouse lots are directly adjacent to the site.

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The property adjoins existing developed properties for 20 percent or more of its boundaries, adjoins property in the M-U-I Zone, and is recommended for mixed-use infill development in the approved College Park US 1 Corridor Sector Plan. Adjoining development consists of residential and commercial and has a density of at least 3.5 units per acre for residential and a floor area ratio of at least 0.15 for nonresidential development.

***In their memorandum dated August 9, 2005 (Williams to Wagner), the Community Planning Division addressed each of the items of the Remand Order as follows:**

Under the heading “2002 General Plan,” the memorandum provides the following information:

“This application is located in the Developed Tier, and is in a designated Corridor (Baltimore Avenue US 1).

“The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.

“The vision for corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. This development should occur at local centers and other appropriate nodes within one-quarter mile of major intersections or transit stops along the corridor.”

“Under the heading ‘Land Use,’ the memorandum provides the following additional information with regard to the vision for Subarea 4e, discussed in paragraphs 4 and 5 above:

“For Subarea 4 (in general), the sector plan recommends a mix of uses with an emphasis on new residential development if adequate land can be assembled to provide amenities necessary for high-quality development. The vision for Subarea 4 ‘is to create a mixed-use area with a variety of retail and office uses and the introduction of multifamily residential development in mid- and high-rise buildings.’ (pp. 40 and 160)

“The approved land use map (p. 32) reflects retail/commercial land uses on the portion of the parcel zoned M-U-I (Mixed-Use Infill), and single-family attached residential land use on the remainder of the property. The subject property is included in the Development District Overlay Zone.”

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***Under the heading “SMA/Zoning,” the memorandum provided the following:**

“The 2002 College Park US 1 Corridor Sector Plan SMA rezoned the commercial portion of the property fronting US 1 from the C-S-C (Commercial Shopping Center) Zone to the M-U-I (Mixed-Use Infill) Zone to implement the sector plan’s land use policy recommendations by providing greater opportunity for flexible mixed-use redevelopment and land assembly. The

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remainder of the site was retained in the R-T (Townhouse) Zone. The SMA also placed the entirety of the property in the Development District Overlay Zone (DDOZ), which requires site plan review.”

With regard to Item A of the Remand Order, the memorandum offered the following:

“The M-U-I Zone and the DDOZ

“The goals, objectives, and purposes of the sector plan are closely related to the tools utilized to implement those recommendations, namely the M-U-I Zone and the Development District Overlay Zone. Section 27-548.20 states the purposes of the DDOZ, which include the following:”

“(2) To provide flexibility within a regulatory framework to encourage innovative design solutions;”

“(4) To promote an appropriate mix of land uses;

(5) To encourage compact development;”

“(9) To promote economic vitality and investment.”

The M-U-I Zone was created as a direct result of the College Park US 1 Corridor sector plan process to implement the recommendations of the plan by permitting by right a mix of residential and commercial uses as infill development in areas that are already substantially developed. The specific purposes of the M-U-I Zone specified in Section 27-546.15(b) of the Zoning Ordinance include:

* (2) To simplify review procedures for residential, commercial, and mixed residential and commercial development in established communities;

(3) To encourage innovation in the planning and design of infill development;

(4) To allow flexibility in the process of reviewing infill development;

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* (5) To promote smart growth principles by encouraging efficient use of land and public facilities and services;

(6) To create community environments enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses.

Sections 27-546.16(b) and (b)(2) state: “the M-U-I Zone may be approved on property which has

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proposed development subject to site plan review and is in...the Development District Overlay Zone...” and that “Property in the D-D-O Zone may be reclassified from its underlying zone to the M-U-I Zone through the property owner application process in 27-548.26(b). In the review process, the owner shall show that the proposed rezoning and development will be compatible with existing or approved future development on adjacent properties.”

Section 27-546.16(c) states: “Unless requested by a municipality, the M-U-I Zone may be approved only on property which adjoins existing developed properties for 20% or more of its boundaries, adjoins property in the M-U-I Zone, or is recommended for mixed-use infill development in an approved Master Plan, Sector Plan, or other applicable plan. Adjoining development may be residential, commercial, industrial, or institutional but must have a density of at least 3.5 units per acre for residential or a floor area of at least 0.15 for nonresidential development.” In its review of the proposed development prior to the remand order, the Development Review Division found that this proposed detailed site plan meets all three criteria for approval of the expansion of the M-U-I Zone as specified in Section 27-546.16(c).

The development proposal for DSP-03098 Jefferson Square includes a mix of commercial and two forms of residential development (multifamily and single-family attached), consistent with the intent and purposes of the M-U-I Zone and the Development District Overlay Zone, as well as with the land use recommendations for Subareas 4 and 4(e), which call for a mix of residential, retail, and office uses and the introduction of multifamily residential development in mid- to high-rise buildings. The subject property is entirely located within the College Park US 1 Corridor DDOZ and does not require expansion of the DDOZ boundaries. The applicant has submitted information and a justification statement to demonstrate that the proposed rezoning and development will be compatible with existing or approved future development on adjacent properties, as required by the regulations of the M-U-I Zone.

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***The 2002 General Plan**

The 2002 General Plan, which was approved subsequent to the approval of the College Park US 1 Corridor sector plan, established guidelines and recommendations for development within the seven policy corridors, one of which is US 1. For this portion of the US 1 Corridor, which is located in the Developed Tier, the General Plan provides policy guidance that development should “(g)enerally contain a higher intensity of residential and nonresidential land uses, and a greater mix of uses that are regional in scope, than the Developing Tier Corridors. This development should occur at selected Corridor Nodes and be planned as a transit-oriented development.”

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(p.50) Policy 1 of the General Plan section on Centers and Corridors states: “Promote development of mixed residential and nonresidential uses at moderate to high densities and intensities in context with surrounding neighborhoods and with a strong emphasis on transit-oriented design.”

Since the General Plan was approved subsequent to the College Park US 1 Corridor sector plan, there was no opportunity to designate corridor nodes in the sector plan. However, until adjusted by a plan update, corridors are generally shown as extending for one-quarter mile from the centerline of the street. Corridor nodes should be established within one-quarter mile of major intersections or major transit stops along the corridor (p. 50). The subject property has frontage on the US 1 Corridor and is well within one-quarter mile from the intersection of US 1 and MD 193, which is also a corridor (University Boulevard). This crucial intersection is currently the only place in the county where two corridors intersect one another. As such, development in this location should strive to meet and exceed the goals of the General Plan for development along a corridor.

The College Park US 1 Corridor Sector Plan

The College Park US 1 Corridor sector plan features four goals, stated on page 159:

1. To create an attractive and vibrant gateway corridor leading to the University of Maryland and the City of College Park.
2. To promote quality development by transforming US 1 into a gateway boulevard, main street, and town center in a pedestrian- and bicycle-friendly environment.
3. To promote a diverse mix of land uses in compact and vertical mixed-use development forms in appropriate locations along the corridor.
4. To encourage multifamily development to reduce the use of the automobile and also expand the opportunity for living, working and studying within the corridor.

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*The revised detailed site plan is consistent with the sector plan’s land use recommendation for Subarea 4e on page 161. The sector plan states: “The vision for this subarea is for infill and redevelopment including a mix of retail, office, and residential uses in mid-rise buildings. Adequate buffers should be provided and building heights should step down to be compatible with the existing residential neighborhood.” This vision statement is one of the key elements of the Development District Standards of this sector plan and should serve as the prime guide for determining the sector plan conformity requirements.

For Subarea 4 (in general), the sector plan recommends a mix of uses with an emphasis on new residential development if adequate land can be assembled to provide amenities necessary for

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high-quality development. The vision for Subarea 4 “is to create a mixed-use area with a variety of retail and office uses and the introduction of multifamily residential development in mid- and high-rise buildings.” (pp. 40 and 160)

The approved land use map (p. 32) reflects retail/commercial land uses on the portion of the parcel zoned M-U-I (Mixed-Use Infill) and single-family attached residential land use on the remainder of the property. This land use map may be viewed as slightly inconsistent with the text of the recommendations for Subarea 4e.

However, the plan states: “(t)he SMA has not rezoned private residential properties because no redevelopment proposal was pending at the time of SMA approval, except where land assembly had occurred in Subarea 5b. These properties could be rezoned under provisions of the DDOZ at such time as sufficient land assembly has occurred to support approval of a development proposal found to be in conformance with both the sector plan’s land use and the DDOZ’s development district standards.” (p. 31)

The bulk of the subject property was not rezoned to the M-U-I Zone at the time of approval of the sector plan due to the lack of redevelopment proposals at the time. The portion of the subject property with frontage upon US 1, which was classified in the M-U-I Zone at the time of plan approval to meet the plan’s second goal, is very narrow (approximately 130 feet in width), limiting the redevelopment potential of the portion zoned M-U-I. However, the detailed site plan submitted by the applicant includes the entirety of the site, providing sufficient land assembly to support a viable development proposal. In general, the proposed development is consistent with both the sector plan’s land use and the DDOZ’s Development District Standards

The proposed development also meets goals one, three and four of the sector plan by presenting an attractive and vibrant mixed-use development along the US 1 Corridor, incorporating both retail and multifamily uses along a transit corridor, resulting in a diverse mix of vertical land uses that can take advantage of existing transit options to reduce the use of the automobile.

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***Summary**

The M-U-I Zone was specifically created to be flexible and permit mixed-use development on a single property. The purposes of the M-U-I Zone and DDOZ, goals and policies of the 2002 *Approved General Plan*, and goals, vision, objectives, and purposes of the *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment* all stress flexibility, innovation, simplified review processes, and mixed-use development at an extremely important location recommended for mixed-use development. The rezoning of the entire subject property to the M-U-I Zone would be consistent with the recommendations and purposes of the pertinent plans and zoning tools.

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In several areas of the Sector Plan there is language supporting mixed-use development and multifamily housing for Subarea 4e, while there also are areas of the Sector Plan supporting single-family attached residential in the Subarea. The following information is provided to show where the conflicting land use recommendations are in the Sector Plan.

The sixth Corridor-wide Land Use and Zoning Recommendation (p31) states: “Throughout the sector plan area, private residential property is in small, individually owned lots where land assembly is needed before redevelopment can occur. The SMA has not rezoned private residential properties because no redevelopment proposal was pending at the time of SMA approval, except where land assembly had occurred in Subarea 5b. These properties could be rezoned under provisions of the DDOZ at such time as sufficient land assembly has occurred to support approval of a development proposal found to be in conformance with both the sector plan’s land use and the DDOZ’s development district standards.”

Consequently, it can be inferred that the R-T zoned portion of the site was retained in the R-T Zone, not necessarily to ensure development of townhouses on the parcel, but because no development proposal was pending at the time of SMA approval, while the C-S-C zoned property along US 1 was rezoned M-U-I to allow for a mix of uses. Also, given the size of the M-U-I zoned property, a mixed-use development that meets the Development District Standards would be difficult to accomplish as a stand-alone development on that site and land assembly would be needed to provide for a realistic development. The applicant was able to assemble the two properties in order to provide for a mixed-use development, which is a primary goal of and is encouraged by the Sector Plan (see pages 23, 24 and 159).

The broader vision for Area 4 on page 40 “is a mix of uses with an emphasis on new residential development if adequate land can be assembled to provide amenities necessary for high-quality development. Comprehensive redevelopment of certain areas is encouraged along with the

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*protection of adjacent single-family areas.” In addition, an “Illustrative Concept” (Map 8-3 on page 48) depicts single-family attached residential development for the entire site, including the M-U-I zoned property. However, this illustration was included in the sector plan for illustrative purposes only, and it should be noted that development that has occurred along the US 1 Corridor subsequent to the approval of the College Park/US 1 Sector Plan, most notably the University View mixed-use development, has taken a different form than that depicted in the illustrative.

While the information provided above points in the direction of attached residential development for Subarea 4e, the Sector Plan contains other statements which contradict and, in the opinion of the staff, outweigh that information. The following statement appears in the Sector Plan Summary (p.159): “The sector plan sets out goals and objectives and offers a vision for the future development of the corridor. Illustrative Concept Maps (Map 8-1 to 8-6) show the design intent

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for each of the six areas of the development district, *but the concept maps do not define land use or zoning required for specific properties.* [emphasis added] Each area has its own specific recommendations to frame land use, circulation, natural features, and urban design issues into a plan for future implementation, revitalization and redevelopment.” The statement in bold above explicitly undermines the significance of the “Illustrative Concept” Map 8-3 showing attached housing in Subarea 4e and indicates that it does not define the land use for the Subarea.

Most persuasive of all to staff that the Sector Plan should be interpreted to require multifamily development in Subarea 4e are the following two elements in the plan. The first is the summary of the development character for Area 4 and Subarea 4e :

Central Gateway Mixed Use Area (Area 4) (in part): “Extends north from Berwyn Road to Hollywood Road. The vision is to create a mixed-use area with a variety of retail and office uses, and the introduction of multifamily residential development in mid-and-high-rise buildings.” (p.160)

Subarea 4e (East side of US1, north of MD 193) (in part): “*The vision for this subarea is for infill and redevelopment including a mix of retail, office, and residential uses in mid-rise buildings. Adequate buffers should be provided and building heights should step down to be compatible with adjacent existing residential development.*” (p.161)

The statement above in bold clearly anticipates multifamily development in Subarea 4e. Staff believes this “vision” for the Subarea is a directive that overrides the Subarea “recommendations” discussed above. The vision for mid-rise mixed-use development is located in the Development

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***District Standards portion of the Sector Plan. Recommendations in a Sector Plan are construed to be a guide. Standards replace the prescriptive regulations in the Zoning Ordinance for use, density, setbacks, height and parking. The standards, which “follow and implement the recommendations in the sector plan and sectional map amendment (SMA) for the College Park US 1 Corridor” (p.159), have the weight of ordinance regulations.**

Although the R-T portion of Subarea 4e was retained in that zone, mixed use development, including multifamily residential development in mid-to-high-rise buildings was called for in the Development District Standards. Furthermore, the Building Heights Map on page 201 of the sector plan shows that the maximum building height allowed for Subarea 4e is four stories, which is consistent with multifamily housing but not with attached housing.

Staff has also ascertained that the land use recommendations in the Sector Plan for Subarea 4e are inconsistent with the land use map, and seems to contradict language on the intended character for Area 4 and Subarea 4e found on pages 160 and 161 of the Sectional Map Amendment portion of the Sector Plan. The recommendations on page 41 state:

“4e. East side of US 1, north of MD 193 -- ...Recommendations for this area include:

- Compact, infill development with attached and limited detached single-family residential, retail and/or office uses.**
- Screening, buffering and tapering of building heights adjacent to residential areas.**
- Possible redevelopment as an auto sales and service park in conjunction with subarea 4f.”**

Furthermore, the land use recommendations on pages 41-42 of the College Park/US 1 Sector Plan are general recommendations for the entirety of Subarea 4e, and contain no explicit reference to the subject property. Therefore, as there is no relationship of these recommendations to specific properties, it is impossible to ascertain from this language where these recommended land uses may have been intended to occur within the boundaries of Subarea 4e.

With regard to Item B of the Remand Order, the memorandum offered the following:

“Compliance with Standards

“The regulations of both the M-U-I Zone and the DDOZ provide and state the procedures for flexible application of Development District Standards. The purposes for both zoning tools clearly state the desire to provide flexibility and to encourage innovation in planning and design. While Development District Standards are meant to provide uniform development criteria, they are not

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***intended to be hard regulations that can never be adjusted. Rather, flexibility is not only seen as**

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necessary in certain situations due to the conditions of the site or other factors, but is also seen as desirable to allow for innovation and alternative designs. It should be noted that Section 27-548(c) of the Zoning Ordinance states: ‘...the Planning Board may apply development standards which differ from the approved Development District Standards, unless the Sectional Map Amendment provides otherwise. The Planning Board shall find that the alternate Development District Standards will benefit the development and the Development District and will not substantially impair implementation of the Master Plan, Master Plan Amendment, or Sector Plan.’ Furthermore, Section 27-546.18(b) of the M-U-I Zone regulations state: ‘Where an owner proposes a mix of residential and commercial uses on a single lot or parcel in the M-U-I Zone, the site plan as approved shall set out the regulations to be followed....’ The applicant is proposing a vertical mix of residential and commercial uses along US 1.

“Note that the applicant has withdrawn two requests to deviate from the Development District Standards (regarding Building Siting and Setbacks and parking requirements). The applicant has provided a Statement of Justification that outlines three remaining requests for deviation from the Development District Standards, concerning Utilities (regarding the undergrounding of utilities), Architectural Features (request to officially approve hardipanel and hardisiding as “approved equals” for building materials), and Building Height (to allow the maximum building height to reach five stories for a small portion of the multifamily building due to the grading of the site on the southern side).

“Conformance with the Purposes of the Plan

“The use of the M-U-I Zone in conjunction with the DDOZ was intended to implement the purposes, goals, vision, and recommendations of the sector plan. As stated above, the goals and vision of the plan for Subarea 4e call for a diverse mix of land uses, vertical development forms, quality development along US 1 that also serves as an attractive and vibrant gateway corridor

leading to the University of Maryland and the City of College Park, and the introduction of multifamily residential development in mid- to high-rise buildings to reduce the use of the automobile, take advantage of transit opportunities, and expand opportunities for living, working, and studying in the area. The proposed development is consistent with these goals and the vision for the area.

“Mix of Uses and Compatibility

“The project proposes slightly more than 8,000 square feet of commercial/retail space and two types of residential development. It is by definition a mixed-use development proposal and would

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*therefore constitute a project consisting of a mix of uses for site plan and parking facilities purposes.

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“The applicant has also increased the number and area of coverage of the proposed townhouse units on the eastern portion of the site, which are limited to three stories in height to provide a more appropriate transition from the taller multifamily building on the western portion of the site to the adjacent townhouses to the south and single-family detached dwellings to the east. These revisions are consistent with the sector plan’s land use recommendation for Subarea 4e on page 161, and provide a suitable transition in height from higher density and taller buildings along US 1 in the west to two-story, single-family detached dwellings east of the subject property. In addition, there are three-story townhouses to the south and mid-rise apartment buildings, a church, and two hotels to the north. These uses constitute a horizontal mix of uses compatible with the proposed development, and building heights that are also compatible.”

“The reference to mid-rise buildings on page 161 relates to building heights rather than distinguishing between housing use types. In Subarea 4e, the maximum building height in general is four stories. Through the detailed site plan process, the applicant may request a variation in this standard, which may be approved if it can be demonstrated that market and design considerations justify additional height.”

With regard to Item C of the Remand Order, the memorandum offered the following:

“It should be noted that in response to the remand order, the applicant has modified the proposal to reduce the total number of residential units on the site from 245 to 196 (including both the apartments and the townhouses proposed on the site). As stated above, the subject property is within Subarea 4e of the sector plan and is also within the US 1 Corridor defined in the 2002 approved General Plan. The General Plan calls for a ‘higher intensity of residential and nonresidential land uses’ in Developed Tier corridors, as well as moderate- to high-density development in centers and corridors in general. The vision for Subareas 4 (in general) and 4e (specifically) call for the introduction of multifamily residential development in mid- to high-rise buildings.”

“Furthermore, the City of College Park Housing Plan, which presents the city’s official position on the area known as Daniels Park/Branchville (where the subject property is located), recognizes that vacant lots in this area provide the opportunity to build single-family homes or multifamily housing. The city’s housing plan also establishes several policies of relevance to this discussion, including:

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*“Policy 1: Encourage the private sector to develop high-quality, market-rate, single-family (attached and detached) and multifamily housing.

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“Policy 2: Provide opportunities for high density housing in mixed-use areas within centers and at selected locations along corridors as defined in the Prince George’s County General Plan.

“As previously discussed, the subject property could be considered to be a significant location along two corridors (US 1 and University Boulevard/MD 193). The proposed development is consistent with the desired vision for the area, shared by both the sector plan and the City of College Park, meets the purposes of the sector plan, and is designed in accordance with the Development District Standards to reduce impact upon the surrounding residential community.”

In conclusion, staff supports the rezoning of the property from the R-T Zone to the M-U-I Zone and finds that the proposed development conforms to the purposes and recommendations for the development district, as stated in the sector plan, and meets applicable site plan requirements.

REFERRALS

8. In a memorandum dated July 6, 2004 (DelBalzo to Wagner), the Subdivision Section has indicated that the detailed site plan is in compliance with approved preliminary plan of subdivision 4-03141 (PGCPB No. 04-117) and all applicable conditions of approval.
9. In a memorandum dated June 21, 2004 (Metzger to Wagner), the Environmental Planning Section offered the following comments:

The Environmental Planning Section has reviewed the above-referenced revised detailed site plan and TCPII, stamped as received by the Environmental Planning Section on May 27, 2004. The package as submitted included a forest stand delineation (FSD), TCPII and the detailed site plan. The Environmental Planning Section recommends approval of DSP-03098 and TCPII/27/04, subject to one environmental condition. This memorandum supersedes all previous memos from this section.

Background

The Environmental Planning Section recently reviewed a preliminary plan of subdivision (4-04141) in conjunction with TCPI/05/04 for the subject property currently under review. This subject property is located within Subarea 4B of the Adopted College Park US 1 Corridor Sector Plan.

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Site Description

The subject property is located on the southeast quadrant of Baltimore Boulevard (US 1) and Cherokee Street. The surrounding properties are residentially zoned except for the properties

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located to the immediate west of Baltimore Boulevard that are zoned commercial. The site is characterized by terrain sloping toward the east and drains into unnamed tributaries of the Indian Creek watershed in the Anacostia River basin. A review of the available information indicates that there are minor areas of severe slopes and steep slopes associated with the site. There are no streams, Waters of the U.S., wetlands, 100-year floodplain, high erodible soils or Marlboro clays found to occur on the site. There are no noise issues associated with the current proposal. The soils found to occur on the site, according to the Prince George=s County Soil Survey, are Sassafra and Sunnyside Urban Complex. These soil series generally exhibit slight to moderate limitations to development due to steep slopes. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George=s Counties,” December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads adjacent to this property. This property is located in the Developed Tier as delineated on the adopted General Plan.

Environmental Issues Addressed in the College Park US 1 Corridor Sector Plan Design Standards - Trees and Plantings

“C: Afforestation shall be accomplished through the provision of shade and ornamental trees. Tree cover shall be provided for a minimum of 10 percent of the gross site area and shall be measured by the amount of cover provided by a tree species in 10 years. Street trees planted along abutting rights-of-way may be counted toward meeting this standard. Exceptions to this standard shall be granted on redevelopment sites where provision of 10 percent tree cover is not feasible due to existing buildings and site features.”

The site plan as submitted shows that the 10 percent afforestation requirement on-site has been met.

Comment: No further information is required as it relates to compliance with afforestation requirements on-site.

Environmental Review

Note: as revisions are made to the submitted plans, the revision box on each sheet shall be used to describe in detail the revisions made, when, and by whom. In the case of the forest stand delineation and tree conservation plans, the sheet shall also be signed and dated by the qualified professional preparing the plans.

- a. A forest stand delineation (FSD) has been submitted for this proposal and was generally found to address the requirements for a detailed forest stand delineation and was in compliance with the requirements of the Woodland Conservation Ordinance.

Comment: No additional information is needed with regard to the forest stand delineation.

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- b. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract is in excess of 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. The Type I tree conservation plan (TCPI/05/04) has been reviewed and was found to require a minor revision to conform to the requirements of the Woodland Conservation Ordinance.

Comment: The minimum woodland conservation requirement for the site is 0.68 acre of the net tract. An additional 1.45 acres are required due to the removal of woodlands, for a total woodland conservation requirement of 2.13 acres. The plan shows the requirement being met with 1.68 acres of credits for off-site mitigation on another property, and 0.45 acre of off-site mitigation, for a total of 2.13 acres. This tabulation in the worksheet is confusing and incorrect. The total for the tree cover planted on the site should be placed in the "Reforestation" row and deleted from the "off-site mitigation provided on this property" row. This is not off-site mitigation, but reforestation being provided on-site.

In addition, the detailed site plan and landscaping plan as submitted show the entire 20-foot-wide road right-of-way to the east of the subject property being planted with extensive landscaping. In order to plant in this area, the existing woodland must be removed. The Type II tree conservation plan must be revised to account for the additional off-site woodland impact within the 20-foot road right-of-way not reflected in the computation.

Recommended Condition: Prior to certificate approval of the detailed site plan, TCPII/27/04 shall be revised as follows

- (1) Revise the worksheet to include all off-site woodland cleared in the 20 foot-wide road right-of-way and move the 0.45 acre of tree cover into the "reforestation" row of the worksheet.
 - (2) Revise the limits of disturbance to include all woodland cleared in the 20-foot-wide road right-of-way.
 - (3) Have the revised plan signed and dated by the qualified professional who prepared the plan.
- c. A Stormwater Management Concept Approval (CSD# 23871-2003-00) dated November 14, 2003, was submitted with the application. The requirements for the stormwater management will be met through subsequent reviews by the Department of Environmental Resources.

- Comment: No further action is required at this time with regard to stormwater management.
10. In a memorandum dated June 30, 2004 (Masog to Wagner), the Transportation Planning Section offered the following comments:

The Transportation Planning Section has reviewed the detailed site plan referenced above. The

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subject property consists of a single subdivided parcel of 4.56 acres in the R-T and the M-U-I Zones. The property is located in the southeast quadrant of US 1 and Cherokee Street. This property was subdivided as Jefferson Square Apartments at College Park, preliminary plan of subdivision 4-03141. The applicant proposes to develop 245 residences and approximately 3,400 square feet of retail space.

Review Comments

The site plan is similar to previously reviewed plan. Access and internal circulation are acceptable as shown.

This site was reviewed for transportation adequacy with the submittal of a preliminary plan of subdivision in 2004. The subdivision includes several conditions of approval. Conditions 2 and 3 involve off-site improvements, and both are enforceable at the time of building permit. Condition 4 involves right-of-way dedication, and the site plan reflects adequate right-of-way dedication consistent with the preliminary plan.

Condition 11 of the preliminary plan is a trip cap condition. The quantity of development that was assumed when Condition 11 was written is identical to that shown on the site plan. Therefore, the site plan is fully consistent with the preliminary plan from the standpoint of transportation.

Parking

The detailed site plan proposes a significant reduction in the required parking for the site. The applicant has provided five points in the justification statement dated June 14, 2004, to justify a reduction in parking from 504 spaces to 422 spaces. These points have been reviewed, and the following comments are offered point by point:

- a. The applicant has offered that the parking ratio is similar if not more generous than other similar projects. But not all of the projects cited by the applicant are similar to the subject site. Staff has analyzed four similar sites—Van Dorn, Merrifield, Fallsgrove, and Wynfield—for the purpose of making a true comparison to the subject site. Comparisons of the quantity of bus service and the walking distance from the nearest Metrorail station are appropriate. This information is summarized in the following table:

<p style="text-align: center;">Comparison of Proposal Versus Comparable Sites Transit Access and Parking Supply</p>

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Project	Walking Distance from Metrorail (feet)	Average Time Between Buses (minutes)				Parking Ratio
		Weekday Peak Hour	Weekday Midday	Saturday	Sunday	
Van Dorn	4,000	10	60	60	No service	1.65
Merrifield	6,700	30	60	60	60	1.61
Fallsgrove	12,500	10	12	15	30	1.50
Wynfield	7,800	13.8	25.7	60	60	1.60
Average - Comparables	7,750	16.0	39.4	48.8	60+	1.59
Proposal	7,700	7.2	13.8	20	60	1.64
Proposal Versus Comparables	Similar	Better Bus Service	Better Bus Service	Better Bus Service	Similar	More Parking

This data suggests that the subject site, in comparison with other similar properties, has similar or better access to transit services but is also providing more parking on-site. This is a very strong indication that the parking reduction sought may be justifiable.

- b. The use of any reduction for proximity to a Metrorail station should be based upon distance to the platform—not the property—and should not be based upon straight-line radius but actual walking distance. And any reduction should be tempered by consideration of the walking experience (i.e., presence of sidewalks, major road crossings, etc.). In this circumstance, the residents will have to walk well over one mile to reach the trains, and while the route crosses one collector roadway, there are not sidewalks over portions of the route. Notwithstanding past decisions of the Planning Board, there is no reason to reduce parking for this site due to proximity to a Metrorail station.
- c. Comments are related to those in a.
- d. The reference to Section 27-546.18(b) clearly does not apply to the subject case—it is to be used generally for mixed-use development. Allowing this type of parking reduction requires additional demonstration of internal trip satisfaction between mixed uses within a large site. The joint use reduction provided in the sector plan allows for differences in use by time of day already. Allowing further parking reduction would require additional demonstration of internal trip satisfaction between mixed uses within a large site. The mix of space on this site is 98.6 percent residential and 1.4 percent retail. To suggest that the subject site would be eligible for another 30 percent reduction in parking is specious at best.
- e. Residential uses are always required to provide sufficient on-site parking, and on-street parking is normally not considered part of the requirement. Consideration of on-street parking as a means of approving a significant departure in the parking requirement for

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this project represents an undue impact upon residents of the surrounding community.

The applicant has provided more detailed information about the proffers made as part of the justification. The second and third proffers lack specifics and they lack a means of ensuring a continuing effort toward trip reduction. The fourth proffer is helpful and should be made a condition of the site plan. The first proffer has received further clarification by the applicant, and the shuttle bus service is now indicated to have the following characteristics:

- a. Operation weekdays between 6 and 9 a.m. and 4:30 and 7:30 p.m.
- b. Use of a 15-passenger van.
- c. Nonstop operation between the site and the Greenbelt Metrorail Station.
- d. Free of charge to residents.

In order to ensure that the service is actually provided, this proffer should be made a condition of approval of the site plan. The proffer includes a demand-based service, but it is not clear that patrons will be forced to wait until the bus is full, and that is a variable that could make the service unworkable for the residents. It is preferred to include a provision that the shuttle bus service run every one-half hour at a minimum.

Conclusions

In summary, the site plan is acceptable and consistent with prior underlying approved plans. The Transportation Planning Section also believes that a reduction in the required site parking from 504 to 422 is justified based on proffers made by the applicant and a comparison of the subject site with similar projects in the Washington area. This finding is made conditional upon the following:

- a. Prior to the issuance of any building permit on the subject property, 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 operating agency:
 - (1) Upgrade the existing bus stop located on the property with a shelter and sidewalk to encourage bus ridership on the University of Maryland Shuttle, Metrobus, and the Prince George's County TheBus routes. Needed improvements shall be coordinated with the Transit Division of the Prince George's County Department of Public Works and Transportation and the State Highway Administration as needed.
 - (2) The applicant shall provide a private shuttle bus for the residents of the site that will connect the site with the Greenbelt Metrorail Station. The service shall operate between the hours of 6 and 9 a.m. and 4:30 and 7:30 p.m. and shall operate at a frequency of no less than 30 minutes. The service shall be free to

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residents and utilize vehicles with a capacity of approximately 15 passengers. Specifications and financial assurances for the service shall be provided at the time of building permit.

***In a subsequent memorandum dated August 15, 2005 (Masog to Wagner), the Transportation Planning Section offered the following additional information:**

“As a result of the District Council hearing on May 9, 2005, the subject plan was remanded to the Planning Board. There were several issues identified as a part of the remand, none of which were directly transportation-related. Nonetheless, the development quantities have been revised, and this affects a number of the findings made by the transportation planning staff in the June 30, 2004, memorandum.

“The site plan is similar to the previously reviewed plan. Access and internal circulation are acceptable as shown.

“This site was reviewed for transportation adequacy with the submittal of a preliminary plan of subdivision in 2004. The subdivision includes several conditions of approval. Conditions 2 and 3 involve off-site improvements, and both are enforceable at the time of building permit. Condition 4 involves right-of-way dedication, and the site plan reflects adequate right-of-way dedication consistent with the preliminary plan.

“Condition 11 of the preliminary plan is a trip cap condition limiting development to uses which would generate a maximum of 138 AM and 164 PM peak-hour vehicle trips. With the change in the development quantities, the following trip generation is determined:

<u>*“Townhouses, 11 units:</u>	<u>AM: 13 trips</u>	<u>PM: 14 trips</u>
<u>“Apartments, 181 units:</u>	<u>AM: 94 trips</u>	<u>PM: 109 trips</u>
<u>“Retail/commercial, 8,054 square feet</u>	<u>AM: 16 trips</u>	<u>PM: 38 trips</u>
<u>“TOTAL</u>	<u>AM: 123 trips</u>	<u>PM: 161 trips</u>

“As noted in materials provided by the applicant, the commercial component is analyzed as a worst case of general office use during the AM peak hour and retail use during the PM peak hour (it is not intended that the use of the space would change during a workday; rather, the analysis

*Denotes Amendment

Underlining indicates new language

[Brackets] indicate deleted language

***allows for the range of activity by an eventual commercial lessee). The trip generation analysis concludes that the new quantities are consistent with those on the approved preliminary plan, and the transportation staff would agree that the revised site plan is fully consistent with the preliminary plan from the standpoint of transportation.**

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“Parking

“The detailed site plan no longer proposes a reduction in the amount of required parking for the site. Urban Design staff should verify that the parking computations are correctly completed and that parking required does indeed match the quantity of parking supplied.

“Conclusions

:In summary, the site plan is acceptable and consistent with prior underlying approved plans.”

11. In a memorandum dated March 5, 2004 (Shaffer to Wagner), the Trails Planner of the Transportation Planning Section offered the following comments:

BACKGROUND

The Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment designates US 1 as a master plan bicycle/pedestrian corridor. Accommodating the large number of bicycle and pedestrian trips being made to the University of Maryland and other destinations along US 1 is a priority. Existing sidewalks are extremely narrow and disjointed. SHA studies for US 1 have recommended 16-foot-wide outside curb lanes (accommodating a five-foot-wide bicycle lane) and continuous minimum five-foot-wide sidewalks along both sides of the road. The submitted plan meets this goal by providing a five-foot-wide sidewalk separated from the curb by a landscape strip. This is an improvement over the existing sidewalks in the vicinity of the subject site that are four feet wide and immediately behind the curb. In-road bicycle facilities will be provided comprehensively for the corridor through an SHA road improvement project.

Staff also recommends the provision of bike racks accommodating a minimum of 20 bicycles on the site. The inverted-U bicycle racks are preferred (see attached brochures). The Washington Area Bicyclists Association and the College Park Area Bicycle Coalition recommend inverted-U racks because they allow the entire bicycle frame (and not just a tire) to be secured to the rack. They also prevent rows of bicycles from falling over and becoming entangled or damaged. The location proposed in the parking garage is acceptable, but the racks should be protected from motor vehicles traveling through the garage or backing out of parking spaces.

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Sidewalks are also proposed along Cherokee Street, Catawba Street, and internally on the site within courtyards and open space. These sidewalks appear to be adequate to accommodate pedestrian movement on the site and to nearby destinations.

12. In a memorandum dated February 10, 2004 (Harrell to Wagner), the Public Facilities Planning Section

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offered the following comments:

Fire and Rescue

The subject property is within one mile of the Branchville Fire Station (Company 11), 4905 Branchville Road, and meets the response time standards for engine and ambulance service. The subject property is within a half-mile of the College Park Fire Station (Company 12), 8115 Baltimore Avenue, and it meets response time standards for ladder truck and paramedic service. The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan* (1990) and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

Police

The proposed development is within the service area for District I, Hyattsville. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 feet of station space. Based on available space, there is a capacity for 57 additional officers. The staff concludes that the existing county police facilities will be adequate to serve the apartment complex.

13. The Department of Environmental Resources (Watershed Branch) has indicated in a memorandum dated February 17, 2004 (DeGuzman to Wagner), that the site plan is consistent with the approved stormwater concept plan, #23871-2003.
14. The City of College Park held a public hearing on the subject application on July 13, 2004. The city recommends approval of the Detailed Site Plan subject to conditions that have been included in the Recommendation section below.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission:

- RECOMMENDED that the District Council approve the proposed change of the underlying zone from R-T to M-U-I Zone; and furthermore
 - RECOMMENDED that the District Council approve the Type II Tree Conservation Plan (TCPII/27/04); and furthermore
 - RECOMMENDED that the District Council approve the Detailed Site Plan DSP-03098 for the above-described land, subject to the following conditions:
1. Prior to the issuance of any building permit on the subject property, 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 operating agency:

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- a. Upgrade the existing bus stop located on the property with a shelter and sidewalk (as approved by SHA and WMATA) to encourage bus ridership on the University of Maryland Shuttle, Metrobus and the Prince George's County The Bus routes. Needed improvements shall be coordinated with the Transit Division of the Prince George's County Department of Public Works and Transportation and the State Highway Administration as needed.
2. The applicant shall provide a private shuttle bus for the residents of the site that will connect the site with the Greenbelt Metrorail Station. The service shall operate between the hours of 6 and 9:30 a.m. and 3:30 and 7:30 p.m., Monday through Friday and shall operate at a frequency of no less than 30 minutes. The service shall be free to residents and utilize vehicles with a capacity of approximately 15 passengers. Specifications and financial assurances for the service shall be provided at the time of building permit. Service to additional locations and flexible scheduling of hours may be provided if warranted by the results of the annual survey of residents conducted by the applicant. The applicant shall provide information on the shuttle service in any marketing or leasing brochure prepared for the project.
3. Prior to certificate approval of the detailed site plan, TCPII/27/04 shall be revised as follows:
 - a. Revise the worksheet to include all off-site woodland cleared in the 20 foot-wide road right-of-way and move the 0.45 acre of tree cover into the "reforestation" row of the worksheet.
 - b. Revise the limits of disturbance to include all woodland cleared in the 20-foot-wide road right-of-way.
 - c. Have the revised plan signed and dated by the qualified professional who prepared the plan.
4. Prior to certification of the Detailed Site Plan, the following revisions shall be made or information provided:
 - a. Garage floor plans for each level shall be provided to demonstrate all parking spaces, dimensions of all spaces, and access to each level.
 - b. Dimensions for all surface parking spaces shall be provided.
 - c. Building setbacks on the site plan shall be provided.
 - d. Dimensions of loading spaces shall be provided.
 - e. Top and bottom elevations for all proposed walls shall be provided.
 - f. Brick or concrete paver accent bands shall be provided in the sidewalk along Baltimore Avenue and the public plaza space in front of the retail space, subject to the review and approval of the Planning Board's designee in consultation with the City of College Park.
 - g. A detail of the street light fixture selected by the city shall be provided and the location of all

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light fixtures shall be shown on the plan.

- h. Section 4.7 Bufferyard schedules for the required bufferyards along the eastern and southern property lines shall be provided.
 - i. Benches and trash receptacles should be provided at the entrances to the building along US 1 and at the bus stop
 - j. The architectural elevations shall provide an increased use of brick along Cherokee and Catawba Streets totaling 58 percent project-wide. The use of Hardipanel and Hardiplank on nonbrick facades shall be painted with colors in the beige/yellow family.
5. Prior to the issuance of a building permit, the applicant shall obtain an easement from the City of College Park to permit the applicant to install and maintain landscaping in city right-of-way, as shown on the Landscape and Lighting Plan.
6. The applicant shall revise the Landscape and Lighting Plan to show:
- a. Location of street lights and lighted bollards.
 - b. Additional shrubs along building foundations that front on a public sidewalk.
 - c. Use of the Nyhavn Post Pole, straight fixture in aluminum along Baltimore Avenue.
 - d. Crosswalks across Baltimore Avenue and Cherokee Street to be constructed of interlocking concrete pavers.
 - e. Demonstrate that there is not excessive light spillover onto adjacent residential property.
7. The applicant shall revise the site plan to accurately reflect the existing right-of-way line along US 1. If deemed acceptable by the State Highway Administration, the applicant shall revise the streetscape along US 1 to include road widening, removal of existing sidewalk, and new curb and gutter.

***8. A minimum of 65 percent brick and 35 percent Hardiplank/Hardipanel shall be provided on the exterior facades of the multifamily building.. Vinyl siding is not permitted/**

***9. All new utility lines will be underground to all proposed new buildings.**

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council of Prince George=s County within thirty (30) days following the final notice of the Planning

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Board=s decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Vaughns, with Commissioners Eley, Vaughns, Squire, and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 8, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of September 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:GW:rmk

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