



April 29, 2024

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Sherri Conner, Acting Chief, Development Review Division *SC*
Jeremy Hurlbutt, Supervisor, Zoning Section, Development Review Division *JDH*

FROM: Evan King, Planner II, Zoning Section, Development Review Division *EK*

SUBJECT: **Item 7 – Zoning Map Amendment ZMA-2024-002 The Mark at College Park**
Planning Board Agenda May 1, 2025 – Evaluation of City of College Park
recommendations

As provided in the City of College Park's letter of support dated April 16, 2025 (Bader to Shapiro), and included in the additional backup, the City recommended approval of the zoning map amendment (ZMA), subject to the conditions listed below in **bold** text, followed by staff responses to each in plain text.

1. SUPPORT the five requested modifications from the RTO-L-E base zone with conditions:

- a. **Increase Maximum Density from 140 dwelling units/net lot area to 150 dwelling units/net lot area with the condition that the lesser of 200 beds or 10% of the total number of beds shall be designated as moderately priced.**

The staff report recommends approval of a maximum density of 150 dwelling units. Staff understand that the requirement for moderately priced dwelling units or beds is a separate agreement between the applicant and the City, along with other occupancy stipulations, and should be addressed separately.

- b. **Reduce Minimum Front Yard Depth from 10-feet to 0-feet with the condition that the Sector Plan streetscape requirements are met.**

The staff report recommends approval of a minimum 0-foot front yard depth. The streetscape will be determined at the time of detailed site plan (DET), at which time it will be evaluated with establish standards and in context with surrounding development to ensure appropriate design.

- c. **Reduce Minimum Side Yard Depth from 5-feet to 0-feet with the condition that adequate light is provided to the affected dwelling units and all fire safety standards are met.**

The staff report recommends approval of a minimum 0-foot side yard depth and supports the City's recommendation to ensure adequate light is provided and fire safety standards are met with final design.

- d. **Reduce Minimum Vehicle Stacking Distance for vehicular parking area entrance driveway from 115-feet in depth to 50-feet in depth with the condition that the Developer provide a "traffic controller" to sufficiently facilitate operation during move-in/out days.**

The staff report recommends approval of modification of the vehicle stacking distance, as stated, and the applicant proposes all units to be fully furnished with minimal need for move-in/out of bulk items or for parking of oversized vehicles. The requirement for a "traffic controller" is not readily enforced or managed by The Maryland-National Capital Park and Planning Commission (M-NCPPC), but may be addressed by an agreement between the City and the applicant.

- e. **Reduce Minimum Off-Street Parking Spaces from 1.0 space per dwelling unit for studios and 1-bedroom units and 1.35 space per dwelling units for larger units to 0.5 spaces per dwelling units for studios and 1-bedroom units and 0.675 spaces per dwelling unit for other unit types with the understanding that students living in The Mark shall not be eligible for on-street permit parking.**

The staff report recommends approval of this modification, however, the eligibility of parking permits is under the review and issuance authority of the City and may be enforced by them.

2. Prior to Preliminary Plan of Subdivision Approval:

- a. **Provide 6 to 10-foot wide sidewalks along Knox Road and Hartwick Road, allowing space for landscaping, street trees, and pedestrian street lights. Identified in the City of College Park Bicycle and Pedestrian Advisory Committee (BPAC) report (see Attachment 3) as recommendations (1) and (2).**

The applicant has requested modification of the standards for sidewalk widths, as set forth in Section 27-4303(d)(4) of the Zoning Ordinance, which meets the width specified in this proposed condition. Further details of bicycle and pedestrian facilities and streetscape elements will be evaluated with the preliminary plan of subdivision (PPS) and DET, to ensure compliance with established standards.

b. Comply with Section 24-4600: Parklands and Recreation Facilities on-site, no fee in lieu.

Section 27-4301(d)(1)(P) of the Zoning Ordinance requires the applicant to provide significant public benefits to obtain a PD ZMA approval. Public benefits are defined as “superior features in a Planned Development zone that benefit the surrounding neighborhood, or the public in general, to a significantly greater extent than would likely result from development of the site under a base zone,” and subject to further criteria laid out in Section 27-4301(d)(1)(P).

The applicant has proposed recreation features contained in the proposed open space set-aside areas as public benefits, per Section 27-4301(d)(1)(P). As a public benefit feature proposed to gain approval of this PD ZMA, these features must be above the normal requirements of a typical development application and outside the requirements of Section 24-4600 of the Subdivision Regulations, which will be applicable at the time of PPS. Accordingly, the applicant should satisfy the requirements of Section 24-4600 without inclusion of the recreation features proposed as public benefit features. Other options to satisfy Section 24-4600 include land dedication and fee-in-lieu. Staff, therefore, find that the restriction of the use of a fee-in-lieu is not appropriate both because it is allowed by the Prince George’s County Code and because it may be the only remaining feasible option to satisfy Section 24-4600. Nonetheless, the determination of Section 24-4600 is not applicable at the time of ZMA.

c. Prior to submission of the Bicycle and Pedestrian Impact Statement (BPIS), review the relevant recommendations proposed by the City Council and the City of College Park Bicycle and Pedestrian Advisory Committee (BPAC) (see Attachment 3). These recommendations should be included in the BPIS. These are listed in order of priority up to the BPIS cost cap.

i. Install raised crosswalks at key locations, including:

- 1. In front of the Delta Sigma Phi/Dunkin' crosswalk on Knox Road and paint additional crosswalk.**
- 2. In front of 4301 Hartwick Road and adjacent intersection.**
- 3. Other crosswalks on Knox Road and Hartwick Roads, as needed.**

ii. Create Artistic Crosswalks: "Commission artists to paint intersections and crosswalks in ways that reflect community visions and values in conjunction with installation of appropriate traffic calming/road narrowing elements, such as flexposts" (image provided in the BPAC report, p. 4)."Either in conjunction with [item i.], or separately, as appropriate. In

particular, the subcommittee advocates for these changes at the following locations:

1. **4305 Knox Road, in front of the Dunkin' and Delta Sigma Phi Fraternity House.**
2. **4301 Hartwick Road.**
- iii. **Extend curbs within the study area and add "Stop for Pedestrians" signage. In particular at the following location: 4301 Hartwick Road.**
- iv. **Paint sharrows on Hartwick Road between Route 1 and Guilford Drive.**
- v. **Extend east-west bicycle paths between the University and the Trolley Trail.**

Staff support the applicant's inclusion of the City's recommendations in the bicycle and pedestrian impact statement (BPIS) analysis, which will be required at the time of PPS. However, because the submission of a BPIS is a regulatory requirement, staff do not find a condition to be needed with approval of this ZMA.

- d. **Front yard setback modification is supported with the condition that all streetscape requirements required in the US Sector Plan are complied with, similar to what was approved for Terrapin Row.**

Further details of bicycle and pedestrian facilities and streetscape elements will be evaluated with the PPS and DET, to ensure compliance with established standards and in context to surrounding development. Staff note that the Central US 1 Corridor Sector Plan streetscape requirements no longer apply under the current Zoning Ordinance, but the sector plan recommendations will be evaluated during the review of future applications.

- e. **Side yard setback modification is supported with the condition that adequate light is provided to the affected dwelling units and all fire safety standards are met.**

Staff supports this recommendation.

3. Prior to Detailed Site Plan Approval:

- a. **Demonstrate environmentally sensitive building design and use at least three green building techniques. Consider providing stormwater amenities such as but not limited to permeable pavements, rain gardens, green roof, storm water planters and vegetated swales above storage cells underneath the streets.**

The staff report includes a recommended condition (Condition 2) that the applicant adopt green building techniques, to an extent as to earn at least eight points in the scoring system specified in Table 27-61603(b) of the Zoning Ordinance. Any equivalent number of techniques to this many points would exceed the City's requested number of techniques.

Staff support the stormwater management considerations recommended by the City, which are also part of the selection options of green building techniques that are conditioned, but note that approval of the stormwater management plan is under the authority of the Department of Permitting, Inspections and Enforcement.

b. Include street furniture in the plaza, including benches for seating, waste receptacles, pedestrian-scaled lighting.

The conditions recommended for approval of this ZMA specify at least four benches or seating areas for the proposed pedestrian promenade and at least one for the proposed Ancestors Lane pocket park. Staff support inclusion of waste receptacles and pedestrian lighting, in conformance with Section 27-6700 of the Zoning Ordinance, at the time of DET.

c. Screen all mechanical equipment from public view to enhance the streetscape and appearance of the building.

Staff support requirements to screen mechanical equipment from public view, as detailed in Section 4.4(5) of the Landscape Manual. The applicant will need to demonstrate conformance with these requirements at the time of DET.

d. Submit a tree conservation plan, per Section 25-121 (c) (3), that shows that 15% of woodland conservation is met on site.

Staff note that this will be required at the time of DET.

e. Show compliance with the College Park Tree Ordinance

This condition is outside the regulatory authority of M-NCPPC and Prince Georges County, but may be addressed by an agreement between the City and the applicant.

f. Submit approval from FAA/MAA regarding the height of the buildings since the property is located in the Aviation Policy Area (APA)-6.

Staff note that conformance with requirements for development in Aviation Policy Area Overlay (APAO) Zones will be required at the time of DET. These requirements can be found in Section 27-4402(b) of the Zoning Ordinance.

g. Comply with proposed County EV standards.

Staff have included compliance with future Zoning Ordinance EV standards (to take effect in June 2027) as a consideration in the recommendation section of the technical staff report. Staff have determined this is more appropriate as a consideration, rather than a condition, as it does not have an impact on the quality of proposed public benefits, which are the most critical, in terms of granting a PD ZMA.

h. Provide a VEO-ride Hub.

Staff support placement of a micromobility station on the site, but note that this would be more appropriately addressed at the time of DET.

i. Show at least 2 Ride Share/Food Delivery designated spaces in the parking garage.

Staff support dedication of rideshare and food delivery spaces in parking areas, but note that this would be more appropriately addressed at the time of DET.

j. Include a note on the DSP that, the residents of the development will not be eligible for permit parking.

The eligibility of parking permits is under the review and issuance authority of the City and may be enforced by them.

k. Prior to the City supporting the DSP, the Applicant and City shall sign an Agreement and Declaration of Covenants that at a minimum has the following provisions listed below. To ensure effective implementation and ongoing compliance, staff recommends that the 'mutually agreed-upon criteria' be clearly defined and incorporated into the Declaration of Covenants. This will provide a transparent framework for determining eligibility and minimize potential disputes.

- 1) The Applicant shall designate the lesser of 200 beds or 10% of the total number of beds as moderately priced housing with eligibility tied to students eligible to receive partial Pell Grants, who are active duty military or whose household income does not exceed 80% of the Area Median Income (AMI). An agreement between the City and the Applicant shall be written, which may at a minimum include the following provisions, with exact details to be determined in collaboration with the Developer, to be included in an Agreement and Declaration of Covenants to be signed by the Developer and City prior to the City supporting the Detailed Site Plan:**

- 2) **Moderately Priced Housing Designation & Pricing**
 - a) **The lesser of 200 beds or 10% of the total number of beds shall be designated as moderately priced.**
 - b) **Eligibility shall be determined based on Pell Grant eligibility, Veteran status, active duty military, and/or mutually agreed upon criteria based on economic need..**
 - c) **These beds will be in 4 bedroom 2 bathrooms units, which are spread throughout the project.**
- 3) **Rent shall be set with at least a 30% reduction from market rate per bed, based on comparable configurations in the College Park student housing market. Marketing & Leasing**
 - a) **Provide an Affirmative Marketing Plan detailing outreach strategies, advertising methods, and application procedures to ensure eligible students are aware of the opportunity to lease these beds.**
 - b) **Leasing shall be available on a first-come, first-served basis throughout the year, with vacant moderately-priced units promptly re-leased through the outlined process.**
 - c) **Beds shall be interspersed throughout the development to ensure all residents enjoy equal access to amenities.**
 - d) **Moderately-priced beds will be made available to lease in September of the prior academic year. In the event that the moderately-priced beds have not been leased for the following academic year by February 1, said beds will be made available to all applicants at market rate through August of that year.**
- 4) **Project Schedule & Availability**
 - a) **Provide a Project Schedule indicating when moderately-priced beds and units will be available for rent.**
- 5) **Additional Considerations**
 - a) **All beds shall be fully accessible to all regardless of race, color, religion, national origin, sex, familial status, and handicap.**

The purposes of the Declaration of Covenants and Agreement recommended by the City are not germane to the criteria for approval of a ZMA, and so staff does not recommend its inclusion. The applicant and the City may enter into

a private agreement of their own accord; however, because the purposes of the agreement are not germane to the ZMA approval criteria, there is no basis for the Planning Board or Prince George's County to be the authority to enforce such an agreement.

RECOMMENDATION

Staff find that the City of College Park's recommended conditions pertain mostly to preliminary plan of subdivision and detailed site plan stages of review, will be evaluated as part of regulatory requirements, or are outside the scope of M-NCPPC and County regulatory standards, as noted for each individual condition above. However, staff do find that, given the side yard setback proposed by the applicant, an additional condition for ensuring adequate light and design for fire safety should be addressed. Staff recommend the following additional condition:

7. At the time of detailed site plan, the applicant shall demonstrate that the side yard depth provides adequate light for dwellings impacted by the proposed development of the subject property, and that fire safety standards are met.