

**R E S O L U T I O N**

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on January 22, 2009 regarding Detailed Site Plan DSP-07062 for College Park Student Housing, the Planning Board finds:

1. **Request:** The subject application is for approval of a mixed-use project with 258 mid-rise residential rental apartment units for students attending the University of Maryland, and approximately 20,019 square feet of commercial/retail space. The applicant is also requesting a change to the underlying zone for the portion of the site in the Residential Open Space (R-O-S) Zone to the Mixed-Use Infill (M-U-I) Zone.
2. **Development Data Summary:**

Zone(s) Use(s)	<b>EXISTING</b> M-U-I/R-O-S/DDOZ Commercial	<b>PROPOSED</b> M-U-I/DDOZ Multifamily Residential/ Commercial/Retail
Acreage	3.54	3.54
Parcels	3	3
Square Footage/GFA	11,720	20,019 (commercial/retail)
Multifamily Dwelling Units:	-	258

**OTHER DEVELOPMENT DATA**

**Bedroom Unit Mix—Multifamily**

<b>Unit Type</b>	<b>Number of Units</b>	<b>Average Square Footage</b>
1 Bedroom	14	589*
2 Bedrooms	12	884
3 Bedrooms	65	1,149
4 Bedrooms	167	1,322
<b>Total</b>	<b>258</b>	

**Note:** \*See Finding 8 for the requested amendment discussion relating to the size of bedroom units.

**Bedroom Percentage**

<b>Unit Type</b>	<b>Proposed Percentage*</b>	<b>Percentage per Section 27-419</b>
1 Bedroom	5.4	50
2 Bedrooms	4.7	40
3 Bedrooms	25.2	10
4 Bedrooms	64.7	-
	100	100

**Note:** \*See Finding 8 below for discussion of the requested amendment relating to the proposed bedroom percentages. There is no four-bedroom unit type in Section 27-419 of the Zoning Ordinance.

**Parking Requirements Per Section 27-568(a)**

<b>Uses</b>	<b>Parking Spaces</b>
Multifamily Apartments (258 units)	
Of which one bedroom units (1.33 spaces per unit*)	19
Two bedroom units (1.66 spaces per unit)	20
Three bedroom units (1.99 spaces per unit)	129
Four bedroom units (2.32 spaces per unit)	387
Commercial Space (20,019 square feet)	
For the first 3,000 square feet (1 space per 150 sq. ft.)	20
For the remaining 17,019 square feet (1 space per 200 sq. ft.)	85
<b>Total</b>	<b>660</b>

**Note:** \*The site is within one mile of the College Park-University of Maryland Metro Station. The reduced rate is used in the parking calculation.

S2. The minimum number of off-street parking spaces permitted for each land use type shall be reduced by 10 percent from the required spaces of Section 27-568(a) pursuant to Site Design S2, Parking Area, Standard T, of the 2002 *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment*.

**Shared Parking by Time Period** (Pursuant to Table 15, Page 182 of the Sector Plan)

Uses	Weekday		Weekend		Nighttime
	Daytime	Evening	Daytime	Evening	
Residential (500 spaces)	60%=300	90%=450	80%=400	90%=450	100%=500
Commercial (94 spaces)	60%=56	90%=85	100%=94	70%=66	5%=5
<b>Total Spaces</b>	<b>356</b>	<b>535*</b>	<b>494</b>	<b>516</b>	<b>505</b>

**Parking Provided\*** **243 spaces**

**Notes:** \*The highest number of parking spaces occupancy becomes the minimum number of spaces required; therefore a total of 535 spaces is required. The plan provides a total of 243 parking spaces, which are all within the proposed building complex, and is 292 spaces below what is required by the Sector Plan. An amendment to the parking requirements has been requested.

For a total of 535 parking spaces required, two percent of the total parking spaces (equivalent to 11 spaces) should be for the handicapped. Out of the required 11 parking spaces for the handicapped, at least two parking spaces should be van accessible. The site plan does not provide enough information regarding parking for the handicapped. The Planning Board has attached a condition to this approval to address this deficiency.

**Loading Spaces**

<b>Required</b> per Section 27-582	<b>3</b>
Retail	2
Multifamily	1 space/100–300 dwelling units
<b>Provided*</b>	<b>3</b>
Retail	3 spaces
Residential	Shared with retail use

3. **Location:** The site is located on the west side of Baltimore Avenue (US 1), directly across from the intersection of Baltimore Avenue and Melbourne Place, within the City of College Park, in Planning Area 66, and Council District 3. The site is also located in Areas 2 (Open Space Corridor) and 3 (Main Street), and Subareas 2a and 3a of the College Park US 1 Corridor sector plan.
4. **Surrounding Uses:** The site is bounded on the east side by the right-of-way of US 1. To the north of the property is the existing University View project in the M-U-I Zone, which is also a housing project for students attending the University of Maryland; to the east and south of the subject property is property in the Residential Open Space (R-O-S) Zone, which includes a

portion of the Paint Branch Stream Valley Park owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC).

5. **Previous Approvals:** The subject site carries two types of zoning designation and consists of a 1.03-acre portion in the R-O-S Zone and a 2.51-acre portion in the M-U-I Zone, totaling 3.54 acres. The 1.03-acre portion bordering the larger R-O-S zoned property to the west and south sides of the site is the subject of a land exchange between the University of Maryland and M-NCPPC. The applicant is currently under contract with the University of Maryland to purchase this R-O-S zoned property. The 2.51-acre portion was previously zoned Commercial Shopping Center (C-S-C) and has been improved with Merchant's Tire and Auto Center, Jerry's Subs and Pizza, and a smaller building which is currently vacant. The 2002 *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment*, which was approved by the District Council on April 30, 2002 (CR-18-2002), retained the 1.03-acre portion in the R-O-S Zone, rezoned the 2.51-acre portion to the M-U-I Zone, and superimposed a development district overlay zone (DDOZ) on both parts.

The site is also the subject of Preliminary Plan of Subdivision 4-07095, which was approved by the Planning Board on December 18, 2008. The site has an approved Stormwater Management Concept Plan, 6607-2007-00, which will be valid through July 25, 2011.

6. **Design Features:** The subject site is a roughly rectangular shaped property fronting on US 1. The majority of the site is within the 100-year floodplain. The topography of the site features a gentle westward slope from Baltimore Avenue to the Paint Branch Stream Valley Park. The site drains directly into the Paint Branch stream system in the Anacostia River basin. According to the US 1 sector plan, the proposed development has to be raised vertically above the elevation of the 100-year floodplain. In order to meet the sector plan recommendation, the applicant has employed piers in the western portion of the building and a terrace in the eastern portion of the building fronting Baltimore Avenue to raise the base finished floor above the 100-year floodplain. As a result, the first floor commercial spaces are raised above the existing elevation of Baltimore Avenue and will be located on a terrace. However, a five-foot sidewalk has been provided between the terrace and Baltimore Avenue to provide an undisturbed pedestrian path connecting to adjacent sites to both the south and north of the subject site.

The site is accessed through two entrances from Baltimore Avenue. The northern entrance is a right-in and right-out access to the parking garage behind the commercial spaces. The southern entrance is aligned with Melbourne Avenue on the other side of Baltimore Avenue. This access point leads to a roundabout within the parking garage providing full access service.

The proposed mixed-use project consists of one building complex. The first floor of the building is sited on one concrete slab that forms the apron section of the complex. The proposed residential units occupy the upper five floors of the building starting from the second floor. Two internal courtyards created by the organization of the residential elements provide two open spaces above the slab. Due to the design treatments, portions of the building have seven stories, but the primary parts of the building are six stories.

The main façade (east elevation) fronting Baltimore Avenue is designed in a three-part composition with a first floor for retail/commercial use forming a strong base section. The second through the fifth floors of the building are for multifamily residential dwellings. The sixth floor along with the cornice section is finished with grey cementitious panels forming a distinct roof section. The entire façade is broken down vertically with dwelling units projecting out of the elevation plate. The façade is finished with a combination of face bricks in two different color tones and cementitious panels. The roof section which includes the sixth floor is visually distinguished from the rest of the floors by using dark grey cementitious panels with faux louver cornice details. Different aluminum window openings on the projected and recessed sections also provide additional visual interest. The first floor commercial uses wrap around the southern corner portion of the building. The south elevation, which looks out over the open space to the south designated as a public park, carries similar design treatments as the east elevation, except for the western portion of the elevation, which sits on piers elevated above the ground. The north elevation, which abuts the University View development, and the west elevation, which faces the Paint Branch stream, is designed in a similar way, except that the west elevation shows an extensive deck across the entire elevation that has been created above the parking garage. A less extensive deck is shown on the north and south elevations. A green screen system is proposed on the south elevation to screen the parking garage below the restaurant use from the views of both Baltimore Avenue and the public park to the south. No details of the green screen were originally included in this DSP, and as such, the Planning Board is requiring that the applicant provide such details in accordance with Condition 1(r) of this DSP approval.

The elevations surrounding the two internal courtyards are designed in a similar way in terms of composition with projections, recessions, and fenestration. However, the elevations are finished primarily with cementitious panels and a simplified roof section.

No specific signage has been proposed with this detailed site plan (DSP). Several building-mounted signs have been shown on the elevation renderings. However, design guidelines for the building-mounted signs have been provided with this DSP. The design guidelines define what types of signs are acceptable and what types of signs are prohibited along with specific design suggestions. According to the guidelines, the signs will be consistent with the applicable requirements of the Zoning Ordinance. However, DDOZ Standard B5.N requires a common sign plan providing information including lighting, colors, lettering style, size, height, quantity, and location within the site. The information provided is not sufficient to fulfill the DDOZ standards. The applicant should provide such a sign plan. The Planning Board has attached a condition to address this deficiency.

7. **Recreational Facilities:** Per the current formula for determining the value of recreational facilities to be provided in subdivisions for 258 multifamily dwelling units in Planning Area 66, a recreational facility package of approximately \$345,000.00 is required. The applicant indicated that sufficient recreational facilities including a fitness room and study room have been provided with this project to fulfill this recreational facility requirement. However, no detailed information was provided to demonstrate conformance with the recreational facility requirement. The

Planning Board has attached a condition to this approval to require the applicant to provide the information.

8. **The 2002 Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment and the standards of the development district overlay zone (DDOZ):** The 2002 College Park US 1 Corridor plan defines long-range land use and development policies, detailed zoning changes, design standards, and a DDOZ for the US 1 corridor area. The land use concept of the sector plan divides the corridor into six areas for the purpose of examining issues and opportunities and formulating recommendations. Each area has been further divided into subareas for the purpose of defining the desired land use types, mixes, and development character. The subject site is in Areas 2 (Open Space Corridor) and 3 (Main Street), Subareas 2a and 3a, on the west side of US 1. The vision for Area 2 is to enhance the pedestrian circulation between the University of Maryland, US 1 businesses, and the Metro station by providing an open space corridor or greenway. Specifically, Subarea 2a recommends the development of a formal gateway park with linkages to the University of Maryland and US 1 via a pedestrian bridge and trails. The vision for Area 3 is to create a neighborhood main street district featuring a compact mix of retail, restaurants, and offices in low- to mid-rise buildings. The sector plan also provides specific subarea recommendations for Subarea 3a, such as compact infill development, vertical mixed use, and shared and/or structured parking. The proposed development, which envisions the development of Northgate Park, the connecting bridge to the University, and a mixed-use building with storefronts at the street level, will provide a continuous street wall that resembles a traditional pedestrian-friendly main street environment, all of which is consistent with the land use visions for Subareas 2a and 3a.

Section 27-548.25(b) requires that the Planning Board find that the site plan meets applicable development district standards. The development district standards are organized into three categories: public areas, site design, and building design. The applicant has submitted a statement of justification that provides a detailed explanation of how the proposed condominium project conforms to each development district standard.

- a. The detailed site plan application as originally submitted met most of the standards with the exception of several development district standards for which the applicant has requested an amendment. In order to allow the plan to deviate from the development district standards, the Planning Board must find that the alternative development district standards will benefit the development and the development district and will not substantially impair implementation of the sector plan, in accordance with Section 27-548.25(c). The amendments that the applicant has requested are discussed below.

**PUBLIC AREAS:**

**P6. Utilities**

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

The applicant has requested an amendment to modify the above standard to allow the applicant to retain five existing utility poles on the site without undergrounding them. The applicant will place new utility lines underground that serve the proposed development, such as natural gas, fiber optic, cable television, telephone, and water and sewer services.

The applicant does not propose 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 also quotes from the sector plan that “the standard 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 applicant argues that the above standard has been met since the applicant is not providing any additional utility poles along US 1, and that the visual impact of the utility lines will be improved by the provision of attractive architecture, street trees, street lighting, and furniture. The applicant believes that utility undergrounding should be part of the future upgrade of US 1, not part of this project. The applicant also indicates that, in accordance with feedback from Potomac Electric Power Company (PEPCO), the utility company that has jurisdiction over the area, a partial undergrounding of utilities for this site only may cause technical issues for their power grid. The Planning Board, the City of College Park, and the District Council have acknowledged the need for a systematic approach for undergrounding utilities and the need for each project to provide its financial fair share in order to implement this measure. The Planning Board finds that undergrounding of utilities should be carried out systematically in order to reduce cost and minimize interruption to established operations and services. Staff has disclosed the new requirements to the applicant and the applicant is fully aware of this approach and is willing to provide pro rata share financial assistance should the undergrounding of utilities happen in a systematic way in the future. However, in accordance with the District Council’s recent approval of other cases within this corridor, a certain amount of the fee should be paid prior to issuance of building permits. The applicant shall provide a pro rata share of the cost for a systematic undergrounding of all

utilities within the US 1 corridor in the future to the extent required by Condition No. 4 of this DSP approval.

## **SITE DESIGN**

### **S2. Parking areas**

#### **Off-street Parking Requirements for Mixed -Use Development Projects**

##### **W. Parking Credits for Use of Alternative Modes of Transportation**

The applicant has requested an amendment to the parking requirements for this mixed-use project that provides all parking in the parking garage below the residential component. Pursuant to the parking requirements of Section 27-568(a) of the Zoning Ordinance and the allowable reductions in the sector plan (see above Finding 2, Development Data), the number of spaces required for this development is 535 spaces (based on multifamily residential parking calculations); however, the proposed development provides a total of 243 spaces, which is 292 spaces short of the required number of parking spaces. The applicant further requests a 20 percent reduction to the parking requirements in accordance with DDOZ Parking Standards W. Since the applicant provides a combination of various strategies including on-site bicycle storage, shuttle service, and pedestrian connection to the University of Maryland campus, a 20 percent reduction is warranted. With an additional 20 percent reduction, the DSP is 185 parking spaces short of the required number of parking spaces. Therefore, additional alternative transportation demand management strategies should be included in the package. The amount of bicycle storage should be increased to be consistent with Leadership in Energy and Environmental Design (LEED) Sustainable Site Credit 4, Alternative Transportation, which requires the provision of bicycle storage for 15 percent of the residents in addition to the bicycle storage requirement for commercial uses. The applicant has agreed with the conditions imposed by the Planning Board to address the issues. The University of Maryland, in a letter dated March 11, 2008 (Duncan to Gross and Vogel), indicated that the University has agreed to make supplemental parking available to accommodate the resident parking demand at the subject site. By this agreement, any future students who live in the proposed building and do not have a parking space on the subject site will be allowed to park their cars overnight on the campus. With this understanding, 243 on-site parking spaces are acceptable for this development. The City Council of the City of College Park endorsed this parking arrangement on January 13, 2009, when the Council voted



unanimously to approve the subject DSP.

One of the major objectives of the DDOZ parking standards is to promote alternative modes of transportation other than single occupancy vehicles, as this will reduce the number of cars and parking spaces on the US 1 corridor. Given the fact that the proposed development is adjacent to the University campus, the applicant believes that the students living in the proposed development will either walk or bike to their destinations, as evidenced by nearby student housing developments. Since any unmet parking demand on this site will be met by on-campus parking, the applicant contends that this alternative parking arrangement along with the provision of shuttle service, bicycle parking, and the proposed bridge across the Paint Branch stream allowing students to get to the campus on foot or by bicycle, will result in adequate parking for the site. The Planning Board finds that this proposal satisfies the intent of the sector plan by reducing the number of cars on the US 1 corridor. However, additional measures such as providing parking spaces for various car-sharing programs and wider sidewalks of eight feet should also be included in the alternative transportation package. The applicant has agreed with the conditions imposed by the Planning Board to address this issue. The Urban Design Section believes that it is desirable to secure a certain number of parking spaces for future car-sharing use and recommends that a minimum three percent of the parking capacity be identified for various car-sharing programs. The Planning Board adopts this recommendation and has imposed Condition 1(i) as part of this DSP approval. The applicant shall also provide evidence that an agreement between the applicant and the University of Maryland has been reached for a transit plan to provide Shuttle-UM bus service between the subject site and the campus, as set forth in Condition 3 below.

As far as parking for the proposed commercial/retail use at street level is concerned, the applicant is proposing to reserve a certain number of parking spaces in the parking garage for that purpose. The applicant believes that the design of the proposed building, with commercial/retail uses at street level, will encourage pedestrian business, as opposed to customers driving to the development.

To further ensure adequate parking, the Planning Board has imposed Condition 1(q) below, which requires the applicant to detail its arrangement with the University.

## **S6. Trees, Plantings and Open Space**

**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.**

This DSP is a redevelopment of the existing site, which is improved with three buildings. The proposed development complies with most of the design standards outlined in S6. As the landscape plan illustrates, the applicant is proposing a large courtyard within the building footprint, which will provide a unique open space within this otherwise urban setting. The applicant is also proposing landscaping along the elevated terrace on US 1 and along the southern elevation, which will help this development transition into the future public park, Northgate Park. However, the total tree canopy coverage is approximately 3.57 percent.

As part of the mitigation package for impacts to the stream buffer and expanded stream buffer, the applicant will be providing, among other things, reforestation of the buffer area along the western property line of the subject property. Although this reforested area cannot be counted towards tree cover, the applicant contends that it should be considered in determining whether the purpose of S6.C is met, as there is no doubt that the reforestation will enhance the visual character of the exterior environment. In addition, the applicant is also proposing to provide a 100 percent green landscaped courtyard area in the interior of the building. This landscape/courtyard area is open to the sky and because it is located on top of the slab for the superstructure, it will function just like a green roof. As a result, stormwater that falls within the courtyard area is captured by the plants and grass (an element of green infrastructure), which reduces the amount of stormwater that will be stored and treated eventually making its way into the Paint Branch stream. In addition, the courtyard, as a green roof (green infrastructure), will significantly reduce ground level ozone, ambient air temperatures, and improve air quality and community esthetics.

Finally, the applicant is proposing a roof with materials having a high solar reflectance index (SRI), which will further reduce ambient air temperatures. No specific SRI information is provided. Staff recommends that for low-sloped roofs, the roof materials should have a minimum SRI reading of 78 and for steep-sloped roofs, the roof materials should have a minimum SRI reading of 29. The Planning

Board has adopted the staff's finding and recommendation on this issue. In conjunction with providing an energy-efficient roof, the applicant is also proposing a cistern system to capture stormwater from the roof of the building so that it can be collected and re-used on-site.

The Planning Board finds that this amendment to the 10 percent tree cover requirement will not substantially impair the sector plan and will benefit this development, as the design of the building with a green courtyard, an energy efficient roof, and a stormwater cistern system for retention and re-use of stormwater, satisfies the intent or spirit of the ten percent tree coverage requirement.

## **BUILDING DESIGN**

### **B 1. Height, Scale, Massing and Size**

#### **Height**

##### **Maximum height in general is five stories (p. 201, Sector Plan)**

The sector plan is clear that the community vision for these areas is for mid-rise (four to six stories) mixed-use buildings. Specifically, the building heights map on page 201 of the sector plan indicates that the maximum height, in general, for subareas where the site is located is five stories. However, the sector plan, in its economic development strategy section, reiterates that the redevelopment of this corridor is driven by the market. The sector plan's land use and zoning strategies are aimed at establishing a flexible policy and regulatory framework to facilitate market-based decisions by the private sector. The sector plan also allows additional stories upon demonstration by the application that market and design considerations justify additional height and additional stories.

The site plan consists of a vertically mixed-use building complex with commercial/retail uses at the street level and 258 multifamily dwelling units on five floors above, which is one story higher than the maximum allowed for this area. The applicant is requesting an amendment to allow the proposed building to be built at six stories due to the demand for student housing in the immediate area.

The applicant has submitted a market study indicating that there is sufficient market demand for higher-end rental units in this area. In terms of design considerations, the Planning Board notes that because of the narrow site frontage, off-street parking has to be provided in the form of structured parking beneath the building, which increases the building

height of the residential uses by one story above the maximum allowed. The design articulation using projecting and receding blocks further breaks down the massing and bulk of the building; the emphasis on street level storefronts and amenities creates a pedestrian-scale and pedestrian-friendly main street environment. The Planning Board believes that the proposed building, at six-stories-high, provides a sense of enclosure to the street that enhances the main street feeling. The Planning Board believes that the applicant's amendment request to increase the height limitation from five to six stories is justified.

It should be noted that, although the applicant is requesting an amendment to the height standard, the proposed height of the building, at six stories, will not impact or create an airway obstruction for the College Park Airport. See Finding 9 below for a discussion of the project's compliance with the height requirements of Aviation Policy Areas (APA) 4 and 6. The proposed development is well below the height guidelines for air travel and, therefore, will not need a waiver from the Federal Aviation Administration or the Maryland Aviation Administration.

### **Massing**

- I. All multifamily buildings should provide a balcony for each dwelling unit above the ground floor to articulate the building façade and to increase natural surveillance of the surrounding area.**

This DDOZ standard requires all multifamily buildings to have balconies for each dwelling unit above the ground floor in order to articulate the building façade and to increase the natural surveillance of the surrounding area. The applicant is not proposing any balconies for the residential units; accordingly, the applicant is requesting an alternate development district standard. According to the applicant, the main reason for this amendment is to address concerns that having balconies overlooking US 1 may create safety issues. The applicant argues that the residents of the proposed building will be students attending the University of Maryland. Therefore, the applicant, in the interest of student and public safety, designed the proposed building without balconies. Instead, the applicant has employed various fenestration patterns and design elements, including projection and recession of the building massing, accented roof and base treatments, a pedestrian-scale street front, and a combination of various finish materials, which create visually interesting building elevations. The location of the development does not lend itself to a garden-style apartment complex, which typically

includes such balconies, but rather an urbane, high-density residential building, which exhibits architectural innovation and uniqueness of design. The Planning Board agrees with the applicant's proposal and with the design of the façade that is oriented toward Baltimore Avenue. The Planning Board further agrees that the proposed design articulation precludes the use of balconies for every unit and that this amendment will not substantially impair the sector plan and will benefit this development. Since the entire first floor along Baltimore Avenue and both the northern and southern corners of the building will be dedicated to commercial/retail uses and will be occupied by open storefronts, the development would provide enough "eyes on the street" that will meet the intent of the second part of this requirement.

**M. The average size of all multifamily dwelling units in a development project shall be a minimum of:**

- **750 square feet for a 1-bedroom/1-bath unit.**
- **1,050 square feet for a 2-bedroom/2-bath unit.**
- **1,275 square feet for a 3-bedroom/2-bath unit.**

This project is specifically designed to meet the housing demand of the students attending the University of Maryland at College Park. As such, the structure of the bedrooms is completely different from the normal composition of regular multifamily buildings. The revised architectural plan shows that the proposed average size for one-bedroom/one-bath units is 589 square feet; the proposed average size for two-bedroom/two-bath units is 884 square feet; the proposed average size for three-bedroom/three-bath units is 1,148.83 square feet. The smallest unit has approximately 589 square feet. The minimum unit sizes contained in this DDOZ standard were envisioned for regular multifamily units for family use. The basis for this amendment is to allow the applicant to build a student housing facility that is consistent with the prevailing design for student housing. Unlike a dwelling unit for multifamily use, the proposed units have been specifically designed for students attending the University. Since the project is designed for undergraduate students attending the University, the Planning Board finds that various unit sizes are necessary in order to respond to the student housing demand and that this alternate standard will not substantially impair the implementation of the sector plan.

**Bedroom Percentages**

**N. Bedroom percentages for multifamily dwellings may be modified from Section 27-419 of the Zoning Ordinance, if**

**new development or redevelopment for student housing is proposed and the density is not increased above that permitted in the underlying zone.**

Refer to Finding 2 above for detailed information on bedrooms and percentages. Section 27-419 allows for up to 40 percent two-bedroom units, 10 percent three-bedroom units, no limit for one-bedroom units, and no limit for four-bedroom units. The application provides 5.4 percent of one-bedroom units, 4.7 percent of two-bedroom units, 25.2 percent of three-bedroom units, and 64.7 percent of four-bedroom units, which does not meet the requirement of Section 27-419. The large percentage of three-bedroom and four-bedroom units is a direct response to the prevailing student housing requirements in College Park. Since this development is specifically designed for students attending the University of Maryland, the Planning Board finds that the alternative standard requested will not substantially impair the implementation of the sector plan.

### **B 3. Architectural features**

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

The application shows a variety of building materials, including face brick in two color tones and cementitious panels in different colors. On average, the façades will be finished predominantly (65 percent) with brick in addition to cementitious panels. Specifically, the east elevation that fronts on Baltimore Avenue will be 64 percent brick; the north elevation that fronts on the adjacent University View property will be 64 percent brick; the west elevation that fronts on the Paint Branch stream will be 57 percent brick; and the south elevation that fronts on the proposed North Gate Park property is 77 percent brick. Although the proposed building does not meet the 75 percent brick requirement, the sector plan envisions the use of arcades, bays, and other architectural features, all of which are incorporated into the design of the proposed building to draw in pedestrians and promote street activity. Further, the building's main entrance with 100 percent window treatments, in addition to the two fenestration patterns, greatly reduces the exterior surface of the building that needs to be ornamented. The elevation design utilizes projection and recession to break down the massing of the building and applies brick finish on all projected sections of the elevations. Cementitious panels are used only on the recessed sections. Moreover, in order to provide some contrast and architectural interest

between the proposed development and the adjacent University View development, the applicant proposes a design and materials that would be harmonious, but not identical. The Planning Board finds that the proposed four major elevations, even with less brick than this standard requires, present an interesting image with the exception of the east elevation, which is oriented toward Baltimore Avenue. Given its prominent location, additional brick for at least two stories should be provided on certain sections such as the one above the breezeway. The alternative brick percentage on the other elevations of the proposed building satisfies the intent of the standards of providing a quality and visually attractive development. However, review of the interior elevations of the two courtyards indicates that additional embellishments including additional brick finish should be provided in those locations. The roof sections of the elevations should be treated in a similar way with the four major elevations. A minimum of 30 percent of the interior elevations should be finished with the same brick used on the four major elevations.

- b. The applicant does not request an amendment to the following standard. However, staff believes that the standard warrants discussion.

## **PUBLIC AREAS**

### **P1. Road Network**

#### **A. Development should, where possible, provide for on-street parking.**

Baltimore Avenue (US 1) is a principal arterial, undivided five-lane section highway. The annual average daily trips passing through this section of US 1 is 32,500 vehicle trips. On-street parking is regulated by the State Highway Administration (SHA) for US 1. All parking provided will be within the underground parking garage for the multifamily and commercial section and within the subdivision of the townhouse section. The Planning Board believes that the proposed off-street parking is the best alternative for this site.

9. **Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the Development District Overlay Zone for amendments to the approved underlying zone to change from the R-O-S Zone to the M-U-I Zone, the requirements of the M-U-I Zone, and Part 10B, Airport Compatibility, of the Zoning Ordinance as follows:
  - a. This DSP application includes a request to change the underlying zone for a section of the property from the R-O-S Zone to the M-U-I Zone, in accordance with Section

27-548.26(b) in the Development District Overlay Zone section of the Zoning Ordinance. The area of the property zoned R-O-S is approximately 1.03 acres in size and lies to the west and south of the M-U-I-zoned portion of the development that fronts on Baltimore Avenue. The R-O-S zoned property is part of a larger open space between the subject site and the campus of the University of Maryland. The larger R-O-S zoned property includes a portion of Paint Branch and belongs to the Paint Branch Stream Valley Park owned by M-NCPPC. The R-O-S zoned property is currently the subject of a land exchange agreement between M-NCPPC and the University of Maryland and will eventually be sold to the applicant to be included in the proposed development. According to the Zoning Ordinance, 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 the 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 to 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. The applicant has applied for several amendments to the development district standards. The sector plan identifies four primary goals under Sector Plan Summary 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.**

**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 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 2a, the sector plan envisioned the following:



**This area is part of an open space corridor or greenway and is a valuable amenity that should be retained. It also has the potential to enhance the pedestrian circulation between the university, US 1 business, and the Metro station. The entire area should be designated as part of the environmental overlay tier as recommended in the final report of Commission 2000. Such an area may be improved with gateway park components, including trails, boardwalks, stream crossing bridges, rest areas, and passive recreational space.**

For Subarea 3a the sector plan envisioned the following:

**The vision for this area is that of a neighborhood main street district featuring a compact mix of retail shopping, restaurants and offices. There are opportunities for retail infill development to meet the demand for office and high-tech uses in close vicinity to the research and engineering facilities of the university.**

Under Section 27-546.16(b)(2) of the Zoning Ordinance, the owner is required to show that the proposed rezoning and development will be compatible with existing or approved future development on adjacent properties. In addition, pursuant to Section 27-546.16(c), the M-U-I Zone may be approved only on property which adjoins existing developed properties for 20 percent 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 and 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 nonresidential development.

The applicant has provided a justification statement 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 on the subject site. 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. The proposed building will be sited close to the street, 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. The architecture depicts building materials that are compatible with the existing surrounding buildings. The parking required for the development will be provided partially in the parking garage at the lower level of the building. The rest of the parking demand for the proposed development will be accommodated by parking lots on the campus of the University of Maryland. The applicant has proffered to provide a shuttle service, which will be integrated into the existing bus services, on a regular basis to help reduce automobile use. The applicant has also proffered to build the pedestrian linkage to the campus from the subject site through the planned parkland to the south. In addition, other alternative modes of transportation

such as the bicycle have been taken into consideration. The applicant will provide storage facilities with this DSP to accommodate the number of bicycles equal to a minimum 15 percent of the occupants.

In conclusion, the Planning Board supports the rezoning of the 1.03-acre property from the R-O-S Zone to the M-U-I Zone because the property adjoins other properties in the M-U-I Zone for more than 20 percent of its boundaries and the adjoining mixed-use development has a density of at least 3.5 units per acre for residential or a floor area ratio of at least 0.15 for nonresidential development. The project will help alleviate the student housing shortage in the area. The Planning Board further finds that the proposed development conforms to the purposes and recommendations for the development district, as stated in the sector plan in terms of location, use, and design character and meets applicable site plan requirements.

- b. The general purpose of the M-U-I Zone is to permit, where recommended in applicable plans (in this case the *2002 Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment*), a mix of residential and commercial uses as infill development in areas that are already substantially developed.

Section 27-546.19, Site Plans for Mixed Uses, requires that:

- (c) **A Detailed Site Plan may not be approved unless the owner shows:**
- 1. The site plan meets all approval requirements in Part 3, Division 9;**
  - 2. All proposed uses meet applicable development standards approved with the Master Plan, Sector Plan, Transit District Development Plan, or other applicable plan;**

The subject site has been developed with three buildings, which will be demolished in order to implement the proposed development. As discussed more fully in Finding No. 8 above, the site plan meets all site design guidelines and development district standards of the 2002 approved College Park US 1 Corridor sector plan and the standards of the Development District Overlay Zone (DDOZ), as amended.

- 3. Proposed uses on the property will be compatible with one another;**
- 4. Proposed uses will be compatible with existing or approved future development on adjacent properties and an applicable Transit or Development District; and**

The application proposes a mixture of multifamily residential and commercial office/retail in a vertical mixed-use format in a six-story building fronting Baltimore Avenue. The first floor of the building, including the south and north corners, will be occupied by the storefronts of commercial/retail uses. The proposed parking will be in the parking garage located in the lower levels of the proposed building. The property to the south will be developed with public open space and most of the property to the north has been developed with a similar mix of uses primarily serving University of Maryland students. The proposed uses on the subject property will be compatible with each other and with existing development on adjacent properties in the main street area of the US 1 corridor.

**5. Compatibility standards and practices set forth below will be followed, or the owner shows why they should not be applied:**

**(A) Proposed buildings should be compatible in size, height, and massing to buildings on adjacent properties;**

The proposed building is a six-story building complex. The development to the north consists of two buildings. The building located to the rear of the site is a high-rise structure with a parking garage and the other building immediately to the north of the proposed development will be improved with a ten-story vertical mixed-use structure with the same use arrangement as the proposed development. The proposed development will continue the streetscape along this portion of the US 1 corridor, stepping down somewhat in height as is appropriate considering that to the immediate south is the stream valley park and then the entrance to the University.

**(B) Primary façades and entries should face adjacent streets or public walkways and be connected by on-site walkways, so pedestrians may avoid crossing parking lots and driveways;**

The site plan shows the primary façades and main entrance of the mixed-use building fronting on Baltimore Avenue. Since the development is within one building complex and is located on the west side of Baltimore Avenue, pedestrians do not need to

cross any parking lots.

- (C) Site design should minimize glare, light, and other visual intrusion into and impacts on yards, open areas, and building façades on adjacent properties;**

The subject site is located on the west side of Baltimore Avenue and is a short distance away from the main entrance of the University of Maryland, College Park Campus. The property to the north known as University View is a similar mixed-use project consisting primarily of student housing, and the property to the south is a planned public park.

- (D) Building materials and color should be similar to materials and color on adjacent properties and in the surrounding neighborhoods, or building design should incorporate scaling, architectural detailing, or similar techniques to enhance compatibility;**

The proposed building complex is finished with a combination of face brick and cementitious panels. The average percentage of brick finish on the four primary elevations is 64 percent. The percentage of brick finish on the south elevation is 77 percent. The elevations are designed with projections and receding sections and most of the projections are finished with face brick. This design strategy creates a visual impression of more brick finish than the above said percentage on each major elevation. The proposed building materials and colors are comparable to and quite compatible with the University View project. However, additional brick should be added to the east elevation due to its important location. See previous Finding 8 for discussion.

- (E) Outdoor storage areas and mechanical equipment should be located and screened to minimize visibility from adjacent properties and public streets;**

The application does not include outdoor storage. The mechanical equipment will be located within the building.

- (F) Signs should conform to applicable Development District Standards or to those in Part 12, unless the owner shows that its proposed signage program**

**meets goals and objectives in applicable plans; and**

As discussed in above Finding 6, no specific signage dimension information has been provided with this DSP.

**(G) The owner or operator should minimize adverse impacts on adjacent properties and the surrounding neighborhood by appropriate setting of:**

- (i) Hours of operation or deliveries;**
- (ii) Location of activities with potential adverse impacts;**
- (iii) Location and use of trash receptacles;**
- (iv) Location of loading and delivery spaces;**
- (v) Light intensity and hours of illumination; and**
- (vi) Location and use of outdoor vending machines. (CB-10-2001; CB-42-2003)**

According to the applicant, the hours of operation or deliveries for the stores fronting Baltimore Avenue will follow the normal schedule of the existing business establishments. Since vehicular access to the site and access to the proposed loading and delivery spaces, which are located in the parking area behind the storefronts within the building complex, will be from Baltimore Avenue, the impact to neighboring properties is minimal. Trash receptacles are to be located on the sidewalks along Baltimore Avenue. No vending machines have been proposed. No freestanding luminaires have been proposed for the commercial/retail component. No lighting fixtures have been provided.

- c. The subject site is within Aviation Policy Areas (APA) 4 and 6 as defined in Section 27-548.35 of the Zoning Ordinance because the site is located in close proximity of College Park Airport. The applicable regulations regarding APA 4 and 6 are discussed as follows:

**Sec. 27-548.41. Open area guidelines.**

- (a) The objective of open area guidelines around airports is to provide strategically located areas under flight paths, to permit a successful emergency landing without hitting an occupied structure and to allow aircraft occupants to survive the landing without serious injury. Open area in Aviation Policy Areas generally refers to**

**stormwater management ponds, field crops, golf courses, pasture lands, streets or parking lots, recreational facilities such as ball parks, or yards, if the area is relatively level and free of objects such as overhead lines and large trees and poles. Because a pilot's discretion in selecting an emergency landing site is reduced when the aircraft is at low altitude, open areas should be one or more contiguous acres.**

- (b) In each Aviation Policy Area, the following minimum open area percentages should be retained:**
- (1) APA-1, Runway Protection Zone: Maintain all undeveloped land in open space in accordance with FAA standards.**
  - (2) APA-2, Inner Safety Area: fifty percent (50%) open area.**
  - (3) APA-3S, APA-3M, Inner Turning Area: twenty percent (20%) open area.**
  - (4) APA-4, Outer Safety Area: thirty percent (30%) open area.**

The proposed development occupies the entire site. The applicant has requested an amendment from the Zoning Ordinance Aviation Policy Area regulations, as provided for by Section 27-548.45. See below for discussion.

The applicant has also submitted a letter from the manager of the College Park Airport, dated January 2, 2009 (Schiek to Vogel), indicating that the best alternatives available for aircraft using the College Park Airport in need of emergency off-airport landing are the NW Branch stream bed, a close-by golf course, USDA open parcels, and various University of Maryland parking lots and open spaces. According to the airport manager, the subject site contains neither the size nor topography, or adjacent property features that would allow it to be considered a viable off-airport landing site under emergency conditions. The Planning Board agrees with the findings of the airport manager.

**Section 27-548.42. Height requirements.**

- (a) Except as necessary and incidental to airport operations, no building, structure, or natural feature shall be constructed, altered, maintained, or allowed to grow so as to project or otherwise penetrate the airspace surfaces defined by Federal Aviation Regulations Part 77 or the Code of Maryland, COMAR 11.03.05, Obstructions of Air Navigation.**

- (b) In APA-4 and APA-6, no building permit may be approved for a structure higher than fifty (50) feet unless the applicant demonstrates compliance with FAR Part 77.**

The subject application proposes a six-story building with a portion of the building as seven stories and a total building height of approximately 81 feet. As discussed previously, the site is located within both APA-4 and APA-6. The applicant has requested amendments to building height requirements in both this requirement and DDOZ standard B1, which limits the buildings in this subarea to five stories. The applicant has provided a written FAA approval indicating that the proposed building will pose no hazard to air navigation of the College Park Airport.

**Section 27-548.43. Notification of airport environment.**

- (a) In all APAs after September 1, 2002, the General Aviation Airport Environment Disclosure Notice, in a form approved by the Planning Board, shall be included as an addendum to the contract for sale of any residential property.**
- (b) Every zoning, subdivision, and site plan application that requires approval by the Planning Board, Zoning Hearing Examiner, or District Council for a property located partially or completely within an Aviation Policy Area shall be subject to the following conditions:**
- (2) Development without a homeowners' association: A disclosure clause shall be placed on final plats and deeds for all properties that notifies prospective purchasers that the property has been identified as within approximately one mile of a general aviation airport. The disclosure clause shall include the cautionary language from the General Aviation Airport Environment Disclosure notice.**

The above conditions regarding general aviation airport environment disclosure are not applicable to this DSP. Although the DSP includes a residential component, the proposed dwelling units will be specifically designed for students attending the University of Maryland. However, a note should be placed on the final plats and deeds that if the units are ever converted to residential uses other than student housing, a General Aviation Airport Environment Disclosure Notice should be approved with the request.

**Sec. 27-548.45. General procedures for amendments.**

**A proposed amendment to Aviation Policy Area regulations for one property is requested by the property owner, reviewed by the Technical Staff, reviewed in public hearing before the Planning Board, and acted on by the District Council, with or without referral to the Zoning Hearing Examiner.**

The applicant has requested an amendment to the open space requirements in accordance with this section. The applicant argues that the subject property of approximately 3.54 acres is only a fraction of the total acreage within APA-4 (25.83 acres) and 30 percent of this acreage is already being provided in the adjacent property. The site is adjacent to the west and south sides of the Paint Branch Stream Valley Park owned by the M-NCPPC, which would provide some open space for emergency landing of aircraft.

The Planning Board finds that this amendment is necessary because the applicant is unable, given the practical difficulties associated with the property, to comply with the requirement and still construct the proposed building and redevelop the US 1 corridor as anticipated by the Approved US 1 Corridor Sector Plan and Sectional Map Amendment. As indicated above, the property is bounded to the north by the University View development, to the east by US 1, to the south by M-NCPPC property (future site of the new Northgate Park), and to the west by the Paint Branch stream. The applicant, therefore, is unable to acquire/assemble additional land to develop the property as designed and still comply with the open area requirement of APA-4. If the applicant is required to comply with the open area requirement of APA-4, it will not be able to construct the proposed student housing building, which would result in a substantial difference not only between the use proposed and the uses currently existing on the property, but also the densities allowed on the subject property. The strict application of this requirement would result in the property remaining as is or, at the very least, consisting of new development similar to what currently exists on-site. Such a result would contradict the goals of the US 1 Sector Plan, which recommends infill development with a mix of uses.

The Planning Board finds that the development does not negatively impact the flight paths associated with the College Park airport. Further, because there already exists open area within APA-4 and the adjacent campus of the University of Maryland provides a number of strategically located open areas, granting the requested amendment will not limit or restrict a pilot's ability to make an emergency landing, if needed.

- d. Section 27-548.25 (b) requires that the Planning Board find that the site plan meets applicable development district standards in order to approve a detailed site plan. As discussed in Finding 8 above, this DSP complies with most of the applicable DDOZ standards except those for which amendments have been requested and recommended. Staff recommends approval of those amendments to development standards because the alternate development district standards will benefit the development and the development district and will not substantially impair implementation of the sector plan.



10. **Preliminary Plan of Subdivision 4-07095:** The Planning Board approved the Preliminary Plan of Subdivision 4-07095 with 28 conditions on December 18, 2008. The resolution will be adopted by the Planning Board on January 15, 2009. Of the 28 conditions as included in draft resolution PGCPB Resolution No. 08-195, the conditions related to the review of the subject detailed site plan are as follows:

1. **A Type II tree conservation plan shall be approved in conjunction with the detailed site plan.**

A Type II Tree Conservation Plan, TCPII/071/08, has been submitted with this DSP. A review by the Environmental Planning Section (Shoulars to Zhang, December 24, 2008) indicates that the Environmental Planning Section recommends approval of the TCPII along with the subject DSP.

2. **Development of this site shall be in conformance with approved Stormwater Management Concept Plan 6607-2007-00 and any subsequent revisions.**

The site will be developed pursuant to the stormwater management concept approval.

3. **Prior to the approval of the detailed site plan application by the Planning Board, a statement listing how the site and the building will seek to obtain the highest possible level of certification as defined by the Leadership in Energy and Environmental Design (LEED) shall be submitted. At a minimum, the building design should include green roof techniques and the retention and re-use of 100 percent of the stormwater that is intercepted by the roof of the building. The stormwater management concept plan approval should reflect this concept.**

The applicant has provided a statement indicating that for various reasons it is impractical to seek the highest possible level of LEED certification. However, the applicant has identified the green roof techniques that will be implemented and ensured that 100 percent of the stormwater from the roof will be intercepted and re-used.

4. **Prior to approval of the detailed site plan by the Planning Board, the applicant shall demonstrate the approval of the proposed 100-year floodplain and compensatory storage by the Department of Public Works and Transportation (DPW&T).**

According to the applicant, the Department of Public Works and Transportation (DPW&T) has approved the floodplain study for this development. The applicant is expecting to receive a formal letter permitting construction within the floodplain in the near future.

- 6. At the time of detailed site plan review, the landscape plan shall show the provision of appropriate street trees along US 1 and the existing and/or proposed utility lines and associated easements.**

This condition has been partially fulfilled. However, the applicant should provide evidence that the new utility lines will be undergrounded and be placed within the right-of-way of Baltimore Avenue.

- 14. The final plat shall establish front building restriction lines to ensure that APA-4 open space areas remain free of dwellings or as otherwise determined with the review of the detailed site plan.**

The applicant has submitted an amendment to the open space requirements of APA-4 pursuant to Section 27-548.45, General procedures for amendments. See Finding 9 above for a detailed discussion.

- 16. At the time of review of the detailed site plan, the DSP and Type II tree conservation plan shall be further evaluated for opportunities to minimize impact to the minimum 50-foot stream buffer.**

The building has been moved out of the buffer as much as possible according to the applicant. However, a small portion of the building footprint is still within the 50-foot buffer. The applicant has also removed most of the footers out of the stream buffer.

- 20. The total development within the subject property shall be limited to 274 multifamily student housing residential units, and 23,700 square feet of commercial retail space, or different uses generating no more than 65 AM and 131 PM peak-hour vehicle trips, respectively.**

This DSP is proposing 258 multifamily dwelling units and approximately 20,019 square feet of retail uses. The total development proposed in this DSP is within the above development limit.

- 23. Prior to the approval of the detailed site plan, the applicant shall demonstrate conformance to Section 27-548.42, Height Requirements, of Part 10B, Airport Compatibility, of Subtitle 27, which limits the height of buildings in APA-4 and 6 to no more than 50 feet unless the applicant demonstrates compliance with Federal Aviation Regulations (FAR) Part 77 by providing written opinion from the Federal Aviation Administration ensuring that the building height does not negatively impact the flight operations of the College Park Airport. The applicant shall submit a written copy of evidence of compliance with FAR Part 77 to DPR.**

The proposed building has varied stories and heights. The highest portion has seven stories and a total height of 81 feet from the retail level fronting on Baltimore Avenue to the roof. The applicant has requested an amendment to the height requirements of the DDOZ standards, which limit the buildings in this subarea to five stories. In regard to the building height requirements of APA-4 and APA-6, the applicant has demonstrated compliance with Federal Aviation Regulations (FAR) Part 77 by providing a written opinion (a letter dated December 9, 2008, Felix to Vogel) from the Federal Aviation Administration indicating that the building height does not negatively impact the flight operations of the College Park Airport. The FAA ruling is based on a building height of 92 feet above ground level (AGL) and 157 feet above mean sea level (AMSL).

- 25. At the time of detailed site plan, access to the site's northern driveway shall be shown as right-in, with construction of a median on US 1 if acceptable to the State Highway Administration.**

The applicant has provided a revised DSP and shows compliance with this condition.

- 28. The applicant shall provide a 10-foot public utility easement (PUE) along the property's frontage of US 1 at the time of detailed site plan or shall provide evidence from all of the effective public utility agencies that the public utilities shall be provided within the public right-of-way.**

According to the applicant, the utility companies do not require a public utility easement between the frontage of the site and Baltimore Avenue. Instead, the utilities will be provided within the right-of-way of Baltimore Avenue. The applicant is in the process of obtaining the approval in writing.

11. ***Prince George's County Landscape Manual:*** The 2002 *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment* and the standards of the Development District Overlay Zone (DDOZ) have modified the applicable sections of the Landscape Manual. In this case, the site is bounded to the east by the ROW of Baltimore Avenue, to the west by the Paint Branch stream, to the north by the University View project, and to the south by the planned public park. There is no incompatible use adjacent to this property and, therefore, the site is subject only to residential planting requirements of the Landscape Manual.

Development District Overlay Zone standards, Site Design, S4, Buffers and screening, Design standards G, requires that residential uses within the development district shall comply with the residential planting requirements of the Landscape Manual. Section 4.1(g) of the Landscape Manual requires a minimum of one shade tree per 1,600 square feet or fraction of green area provided for multifamily dwellings. The landscape plan does not provide the breakdown information to satisfy the requirements of Section 4.1(g). A detailed schedule showing how the proposed development meets the requirements should be provided on the landscape plan.

12. **The Woodland Conservation and Tree Preservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet, there are more than 10,000 square feet of existing woodland on-site, and there is a previously approved Type I Tree Conservation Plan, TCPI/028/08, which was approved in conjunction with the approval of Preliminary Plan of Subdivision 4-07095.
- a. The site has a signed Natural Resources Inventory (NRI/015/08) that was submitted with the application. The NRI notes that a portion of the minimum 50-foot stream buffer exists on the site and it is expanded by regulation to include the 100-year floodplain. The DSP and TCPII do not show the existing 50-foot stream buffer and expanded buffer.
  - b. Type II Tree Conservation Plan TCPII/071/08, submitted with this application, has been reviewed and was found to be in general conformance with the requirements of the Woodland Conservation Ordinance, subject to certain conditions.
13. **Planning Board Analysis:** The subject application was referred to the concerned agencies and divisions. The Planning Board summarizes as follows:

- a. The Community Planning Division, in a memorandum dated December 26, 2008, noted that the application is consistent with the 2002 General Plan Development Pattern policies for corridors in the Developed Tier, and conforms to the land use recommendations of the 2002 *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment* for Subarea 3a, but does not comply with the recommendations for a gateway park in Subarea 2a. The community planner also has concerns about the proposed rezoning of the R-O-S land, the relationship of the ground floor retail to the streetscape, parking requirements, lot coverage, environmental features of the site, and conformance with Aviation Policy Area regulations.

The community planner has provided discussion on the rezoning application included in this DSP and indicated that the ownership of the property in question is the major concern. As discussed previously, the property included in the rezoning application is the subject of a land exchange between the University of Maryland and M-NCPPC. To date, the land swap is very close to finality. The University of Maryland, as stated in a memorandum dated November 10, 2008 (Wylie to Gathers), will eventually sell this property to the applicant for the proposed development. However, the applicant should provide written evidence that the property in question is or will eventually be owned by the applicant. The evidence of ownership should be included with this DSP as part of the case file. A condition has been attached to this approval by the Planning Board to require the applicant to provide the evidence.

The proposed design of an open terrace in front of the storefronts is based on the recommendation of the sector plan in order to elevate the new development above the 100-year floodplain. In front of the terrace is a five-foot-wide sidewalk recommended by

SHA to be consistent with the adjoining property to the north. This frontage improvement is generally acceptable as it goes further to the east where the height of the terrace above the sidewalk goes down. The terrace in front of the storefronts is not easily accessible to the physically handicapped. The applicant indicates that lifting equipment will be used to transport wheelchairs to the stores. But there are no details provided with this DSP regarding the lift, which is far from an ideal solution. There is a passage between the first floor stores that shows an Americans with Disabilities Act (ADA)-compatible ramp. The physically handicapped should have no difficulty accessing the stores fronting on Baltimore Avenue. However, no similar arrangement has been made for the storefronts along the south wing of the building. The stores within the south wing of the building should also be accessible to the physically handicapped and a clear designated route should be identified to storefronts in both the south and east wings of the building. A condition has been imposed by the Planning Board on this approval to address this issue.

- b. The Transportation Planning Section, in a memorandum dated January 13, 2009, provided the following comments:

By using the reviewed traffic information for the approved preliminary plan of subdivision, staff has determined that the mid-segment of US 1 (from MD 193 to Paint Branch Parkway/Campus Drive) would continue to operate acceptably with the AM and PM peak period average critical lane volumes/levels-of-service of 1,485/E and 1,443/D, and as required by the transportation facilities adequacy requirement standard (R: p 181) of the sector plan.

The proposed detailed site plan does not propose any changes to the site's access configuration approved as part of the preliminary plan of subdivision. While it would have been ideal to limit the subject property access to only one point of access along US 1, the provision of two access points considering the site layout and the existing physical limitations was deemed and still is acceptable.

Nonetheless, these two proposed access locations, if deemed feasible by the State Highway Administration (SHA), must be constructed per SHA standards and requirements. It should be noted that per the approved project planning study for US 1, SHA may convert US 1 in this area to a divided roadway with left turns allowed only at Paint Branch Parkway/Campus Drive and Berwyn Road intersections. With this planned improvement, both of these two proposed access points may be converted to right-in/right-out access driveways by SHA.

The transportation planner concludes that that the existing transportation facilities will be adequate, as required by the US 1 sector plan, to serve the proposed detailed site plan subject to three conditions.

In a separate memorandum from the Transportation Planning Section dated August 12, 2008, on detailed site plan review for master plan trail compliance, the trails planner

noted that the subject application is in conformance with the *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment*. Staff recommends approval of this DSP and supports the provision of sidewalks along Baltimore Avenue (US 1) and bicycle racks in accordance with the minimum bicycle parking requirements of the sector plan (p. 172).

The sector plan requires a minimum of two bicycle parking spaces for each 10,000 square feet of retail floor area. The DSP proposes approximately 20,019 square feet of commercial/retail uses on the ground level. One standard bicycle rack is needed to fulfill the bicycle parking requirement for the proposed retail use. However, since this development is a student housing project serving the adjacent campus of the University of Maryland, additional bicycle parking on this site should be provided in accordance with the LEED Sustainable Sites criteria, SS Credit 4.2: Alternative Transportation: Bicycle Storage and Changing Rooms in order to be qualified for additional parking credit. The applicant has agreed to provide additional bicycle parking in accordance with the conditions imposed by the Planning Board for this approval.

- c. In a memorandum dated December 30, 2008, the Subdivision Section identified conditions of approval attached to Preliminary Plan of Subdivision 4-07095 that pertain to the review of this DSP. The Subdivision Section also noted that the resolution for approval of the preliminary plan of subdivision has not been adopted by the Planning Board. Once the resolution is adopted and the preliminary plan has signature approval, the DSP is in substantial conformance with the approved preliminary plan of subdivision.
- d. In a memorandum dated December 24, 2008, the Environmental Planning Section recommended approval of Detailed Site Plan DSP-07062 and Type II Tree Conservation Plan TCPII/049/07 with three conditions.
- e. The Permit Section, in a memorandum dated December 9, 2009, provided four general comments regarding submittal requirements and sign standards. No specific conditions have been recommended.
- f. The comments from the Department of Parks (DPR) and Recreation were presented at the time of public hearing for this DSP on January 22, 2009. The Department of Parks and Recreation stated that approval of this Detailed Site Plan does not constitute Planning Board approval of the "Land Exchange Agreement" or predispose it to that end, nor should any of the conditions imposed in approval of this detailed site plan limit or restrict any further negotiations which may occur as part of Land Exchange Agreement. The DPR recommends approval of this DSP with five conditions that have been included in this resolution.
- g. The State Highway Administration (SHA), in a memorandum dated October 2, 2008, recommended approval of this DSP and indicated that right-of-way dedication and frontage improvements should be provided in accordance with SHA standards.

Additional access permit review by SHA will be required.

- h. The Public Facilities and Historic Preservation Section, in a memorandum dated January 8, 2009, concluded that the proposed development has no effect on historic resources and that Phase I archeological review has been completed.
- i. The Maryland Aviation Administration, in a memorandum dated October 20, 2008, noted that the applicant is required to submit a Federal Aviation Administration (FAA) Form 7460-1, Notice of Construction/Alteration. An original 7460-1 should be forwarded to FAA and the Maryland Aviation Administration (MAA) along with any attachments.

The applicant has submitted the required Form 7460-1 to both FAA and MAA. In a letter dated December 9, 2008 (Felix to Vogel), FAA Aeronautical Study No. 2008-AEA-4745-OE concluded that the proposed structure does not exceed obstruction standards and would not be a hazard to air navigation.

- j. The City Council of the City of College Park approved the subject DSP on January 13, 2009, with 16 conditions. The applicable conditions have been incorporated into the recommendation of this report.
  - k. To date, neither the City of Berwyn Heights nor the City of Greenbelt had responded to the referral request.
14. As required by Section 27-285(b), the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code, and complies with the Development District Overlay Zone standards of the 2002 *Approved College Park US 1 Corridor Sector Plan and Sectional Map Amendment* without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

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 adopted the findings contained herein and recommends APPROVAL of the Type II Tree Conservation Plan (TCPII/071/08) and Detailed Site Plan DSP-07062 for the above-described land to the District Council, including the following:

- A. APPROVAL of the rezoning request to rezone approximately 1.03 acres of the site in the Residential Open Space (R-O-S) Zone to the Mixed-use Infill (M-U-I) Zone.
- B. APPROVAL of the requested amendment to the thirty percent (30%) open area requirement of Aviation Policy Area 4 of the College Park Airport in Subtitle 10B, Airport Compatibility of the Zoning Ordinance.
- C. APPROVAL of the alternative development district standards for:

1. P6. Utilities, A—To allow the applicant to retain the existing above-ground utility poles at the current locations without relocating them underground; however, all new utilities serving the proposed development shall be undergrounded.
2. S2. Parking for a mixed-use development project and Standard W. Parking credit for use of alternative modes of transportation—To allow an additional 20 percent parking reduction due to provision of a private shuttle bus as one of the incentives to encourage the use of alternative modes of transportation other than single occupancy vehicles; provision of a bridge across the Paint Branch stream to allow students to go to the campus on foot or by bicycle; provision of bicycle storage facilities and provision of parking on the University of Maryland Campus and provision of a minimum three percent of parking spaces for various car-sharing programs including provision of car-sharing service by the developer.
3. S6. Trees, Plantings, and Open Space, C—To allow approximately 3.57 percent of tree canopy coverage due to the applicant's provision of off-site afforestation within the stream buffer; green roof, high solar reflectance index roof, and capturing and re-using 100 percent of the stormwater.
4. B1. Height, Scale, Massing and Size. Height—To allow the height of the proposed building to be one story higher than the maximum height limit of five stories for the subareas.
5. B1. Height, Scale, Massing and Size. Massing, I—To allow the applicant not to provide balconies for every unit for the multifamily section, instead to allow the applicant to use a combination of storefront at street level, open-aired terrace, large window openings along with other façade elements to articulate the façade and to increase natural surveillance of the surrounding area.
6. B1. Height, Scale, Massing and Size. Size, M—To allow the applicant to use smaller unit sizes due to the fact that the project is specifically designed for students attending the University of Maryland and because various unit sizes are necessary in order to respond to the student housing demand.
7. B1. Height, Scale, Massing and Size. Bedroom Percentage, N—To allow the applicant to have 25.2 percent of the units to be three-bedroom units and 64.7percent of the units to be four-bedroom units because the project is specifically designed for students attending the University of Maryland.
8. B3. Architectural Materials and Details, C—To allow the elevations to be finished with less than 75 percent brick.



D. APPROVAL of DSP-07062 for College Park Student Housing, and Type II Tree Conservation Plan TCPII/071/08, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall:
  - a. Obtain signature approval of Preliminary Plan of Subdivision 4-07095 and Type I Tree Conservation Plan TCPI/028/08.
  - b. Revise the DSP, TCPII, and Landscape Plan to reflect the retention and re-use of 100 percent of the stormwater that is intercepted by utilizing green roof techniques.
  - c. Demonstrate the approval of the proposed 100-year floodplain and compensatory storage by the Department of Public Works and Transportation (DPW&T).
  - d. Provide covered storage facilities for securing 137 bicycles in the parking garage, in addition to storage facilities for bicycles in front of the first floor commercial uses fronting Baltimore Avenue.
  - e. Provide evidence from the affected utility companies indicating that a regular public utility easement is not required between the site's frontage and Baltimore Avenue and that the utility lines will be placed within the ROW of Baltimore Avenue.
  - f. Provide evidence that the State Highway Administration will allow the utility arrangement referred in Condition 1(e).
  - g. Provide a detailed list of the on-site recreational facilities with cost information to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
  - h. Identify the required parking spaces for the physically handicapped on the site plan and include the number of spaces in the parking calculation.
  - i. Identify a minimum seven parking spaces as designated parking spaces for a possible future car-sharing program.
  - j. Provide lighting fixture details to be reviewed by the Urban Design Section as the designee of the Planning Board in consultation with the City of College Park.
  - k. Provide a sign design plan to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
  - l. Provide a Section 4.1 landscape schedule.

- m. Revise and show all sensitive environmental features on the site in accordance with the signed NRI, and add the corresponding symbols to the legend of each plan.
- n. Provide additional brick on the east elevation to be reviewed and approved by the Urban Design section as the designee of the Planning Board.
- o. Provide wider sidewalks to be consistent with the developed adjacent property to the north.
- p. Demonstrate that the proposed student housing building is not located within the ultimate right-of-way for US 1, as shown on the approved preliminary plan of subdivision.
- q. Provide sufficient information that demonstrates that the proposed parking arrangement with the University would be permanent, or provide an acceptable alternate that is acceptable to the City and ensure parking to all residents on a permanent basis.
- r. Provide details of the proposed green screen to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
- s. Revise the TCPII as follows:
  - (1) Show a continuous building footprint for all buildings proposed on the site.
  - (2) Identify all symbols and line types on the plan and in the legend.
  - (3) Show a visible existing tree line and use a heavier line so that the tree line is more visible on the plan.
  - (4) Revise the worksheet accordingly.
- t. Provide the following additional information:
  - (1) An updated letter from the University of Maryland reaffirming the availability of parking on campus to accommodate the parking needs of residents.
  - (2) A written justification for the 20 percent parking credit for alternate modes of transportation that, at a minimum, includes language that supports a car-sharing program, a University of Maryland bicycle

lending/leasing program, and University of Maryland shuttle service.

- (3) A color and materials board and lighting plan to be reviewed and approved by the Urban Design Section as the designee of the Planning Board in consultation with the City of College Park.
- (4) A minimum of three trash receptacles along the US 1 streetscape at stairway locations and an additional trash receptacle on the arcade level.
- (5) A note that crosswalks on US 1 and Melbourne Place are to be constructed of interlocking pavers or stamped concrete, subject to SHA approval.
- (6) Sidewalk material continued over the driveway aprons.
- (7) A note that the applicant will be responsible for any signal modifications to the traffic light at US 1 and Melbourne Place.
- (8) A specification for the wheelchair lifts and delineation of access to the lift shown on the northern elevation.
- (9) A “Do Not Enter Sign” to prevent residents from accessing the one-way service drive.
- (10) A lighting plan that includes building lights to illuminate the pedestrian pathway on the north side of the building.
- (11) A note on the landscape plan that reads “All landscaping within the courtyard and along the front of the building needs to be irrigated by an automatic underground irrigation system.”
- (12) Extension of the proposed green screen along the parking area along the southern property line or work with the University of Maryland to provide additional plant material at North Gate Park to screen the parking and provide copies of the park improvement plans to the City of College Park and M-NCPPC.
- (13) The final exterior design of the wheelchair lift area on the southern elevation to be reviewed and approved by the Urban Design Section as the designee of the Planning Board in consultation with the City of College Park. The design may include, but is not limited to, an area for public art installation.
- (14) The design of the retail frontage on the south elevation to be reviewed

and approved by the Urban Design Section as the designee of the Planning Board in consultation with the City of College Park. The design may include, but is not limited to, design features that will take advantage of the views into North Gate Park, such as increased fenestration, additional outdoor seating area, or open air dining opportunities.

- (15) The fencing material around the parking deck.
  - (16) A railing along the walkway on the north elevation by the retail, if the walkway is not at grade.
  - u. Provide a minimum 30 percent of brick finish on the interior elevations.
  - v. Provide evidence that the land exchange has been finalized.
2. At the time of final plat, a note shall be placed on the plat as follows:
- “The residential component of DSP-07062 is approved for student housing that is not included in Section 27-548.43, Notification of airport environment. In addition, the DSP does not provide all required parking on-site due to the commitment of the University of Maryland to provide additional on-campus parking spaces to accommodate the rest of the required parking for the project. Any future use of this project other than student housing with ground floor commercial uses shall be approved by the Planning Board.”
3. Prior to issuance of the building permit, the applicant shall provide evidence showing that an agreement has been achieved between the applicant and the University of Maryland for providing shuttle bus service from the subject site to the campus of the University of Maryland.
4. When a procedure whereby property owners on US 1 in College Park pay the pro rata share of the cost of placing underground all utilities crossing their properties is established, payment shall be made to an escrow account to be established by the City of College park, a sum not to exceed \$200,000. If a process is not created by January 1, 2019, this condition expires.
5. Prior to obtaining a building permit, the applicant shall execute a written agreement with the University of Maryland for a UM Shuttle stop contiguous to the site. Service to the stop shall be generally consistent with that offered by the University of Maryland to similar sites on a regular shuttle circuit. In lieu of an agreement with the University of Maryland, the applicant shall provide a private shuttle to and from the University of Maryland that operates consistent with that offered to similar sites on a regular University of Maryland shuttle circuit. Specifications and assurances for any shuttle service, which

shall continue for so long as the property is used for student housing, shall be provided to the City of College Park prior to issuance of any building permit, and information regarding the shuttle service shall be included in marketing material for the project. In addition, the applicant shall survey its residents concerning commuting patterns and habits within six months of substantial completion of the project and shall share this information with the City of College Park.

6. Prior to the issuance of the first building permit, if required by the State Highway Administration (SHA), the construction of the proposed US 1 street improvements along the property's street frontage, as per specifications provided by SHA, shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the City of College Park and/or SHA.
7. The applicant shall record a plat of street dedication in conjunction with the final plat for Parcel A for dedication of 1,600 square feet of right-of-way of US 1 along the frontage of Parcel A currently in the ownership of the Maryland-National Capital Park and Planning Commission.
8. Prior to issuance of any building permits, the Department of Parks and Recreation (DPR) shall review and approve the stormwater management (SWM) plan including the planned outfall on park property. The SWM plan shall include technical details including but not limited to the pipe profile, invert elevations, rip-rap size and limits, headwall details, discharge rate (cf/sec for 10 year storm). The SWM plan shall show, to the satisfaction of DPR, that the impacts to the adjacent Paint Branch Stream Valley Park are minimized. The approval of the SWM plan shall not be unreasonably withheld.
9. Prior to issuance of the grading permit, the applicant shall submit a bond to DPR for the construction of the SMW outfall to guarantee the prompt and satisfactory construction of the improvements on park property and proper restoration of disturbed parkland.
10. Prior to issuance of the grading permit, and in accordance with the approved preliminary plan of subdivision, as mitigation for impacting the stream buffer and expanded stream buffer on M-NCPPC property, the applicant shall submit TCPII and an erosion and sediment control plan for plant removal and reforestation on parkland to DPR for review and approval.
11. Prior to issuance of the grading permit for subject property, the applicant shall enter into the Right of Entry Agreement for any work on park property.
12. Prior to issuance of any building permits, the applicant shall submit to DPR the construction drawings for a retaining wall or other engineered structures along the adjacent parkland which mitigate development impact to the environmentally sensitive areas of Paint Branch Steam Valley Park and/or protect proposed development from

damage from movement of Paint Brach.

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 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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, January 22, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19<sup>th</sup> day of February 2009.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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