

Case No. SP-03098/01

Applicant: JPI

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

ZONING ORDINANCE NO. 3 - 2007

AN ORDINANCE to approve an amendment to the Zoning Map, with conditions.

WHEREAS, Application No. SP-03098/01 was filed for property known as Jefferson Square, described as approximately 4.54 acres of land in the M-U-I/DDOZ (0.9 acres) and R-T/DDOZ (3.6 acres) zones, located in the southeast corner of the intersection of Baltimore Avenue and Cherokee Street, in College Park, for approval of a rezoning of the R-T part of the property (3.6 acres) to the M-U-I Zone, and approval of a detailed site plan showing 160 multifamily dwelling units, 45 townhouses, and 41,500 square feet of commercial retail uses; and

WHEREAS, the Technical Staff reviewed the application and filed recommendations with the Planning Board and District Council; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the Planning Board held a public hearing on the application and filed recommendations with the District Council; and

WHEREAS, having reviewed the record, the District Council has determined that the application, including the rezoning from R-T to M-U-I and the detailed site plan showing a development project of mixed residential and commercial uses, should be approved; and

WHEREAS, to protect adjacent properties and the neighborhood, this rezoning and site plan approval are granted subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts the Planning Board resolution, PGCPB No. 06-227, as its findings of fact and conclusions of law, as follows:

A. The Council adopts paragraphs 1 through 7 of PGCPB No. 06-227, which describe the property and neighborhood and the proposed development project.

B. The Council approves paragraphs 8 and 9 of the resolution, explaining how the application meets Zoning Ordinance and College Park U.S. 1 Sector Plan requirements and guidelines, except the portion addressing the placement of utilities underground as discussed below. The proposed mixed use project has a lower residential density than the applicant's prior site plan proposal, and the project as now proposed is compatible with and in keeping with the surrounding residential neighborhood and the residential streets in the property's vicinity. The present proposal meets the Sector Plan vision for mixed residential and commercial uses in this part of Route 1, including new multifamily buildings.

C. The Council approves modifications of development district standards, as follows:

(1) The applicant shall remove the utility pole and place underground the utility lines along the Route 1 frontage. The applicant may seek a Revitalization Tax Credit designation, to offset the cost of this condition. The applicant, the Planning Board, the County Council and the City of College Park will develop a plan so that all tax credits received will be utilized to initiate a comprehensive utility relocation program on Route 1 north of Route 193. The funds generated from the program shall be used first on the Subject Property and then on adjacent properties. (Public Areas Standard P6.A.)

(2) The maximum lot coverage for multifamily buildings with four or more stories should be 70 percent, but the proposed building may have 71% coverage. The additional coverage will allow the applicant to limit the height of the building. (Site Design Standard S3.L.)

(3) An off-site landscaped bufferyard of 10 feet is permitted. (Site Design Standard S4.)

(4) Building height for the multifamily and retail may be five stories, even though the Sector Plan recommends a limit of four stories in Area 4. The applicant is providing parking below ground, beneath the first floor. (Building Design Standard B1.)

(5) The applicant is permitted to have a limited number of multifamily units without balconies, though the Sector Plan recommends balconies for all units above the ground floor. The applicant's innovative building design compensates for the absence of balconies facing Route 1, the only part of the building lacking balconies. (Building Design Standard I.)

D. The Council agrees that the applicant's proposed parking scheme is acceptable and should be approved, even though the Sector Plan recommends on-street parking, "where possible." (Public Areas Standard P1.A.) On-street parking on Route 1 is not possible, and Cherokee Street and the other residential streets have only limited space available.

E. The Council also approves the applicant's minor amendment to allow 42% two-bedroom units, though the Zoning Ordinance, in § 27-419, would limit two-bedroom units to 40% of the total.

F. The Council approves the conclusions by staff and Planning Board in paragraphs 10 (preliminary plan of subdivision), 11 (Landscape Manual), 12 (Woodland Conservation and Tree Preservation Ordinance) except as provided below, and 13 (referral comments).

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by rezoning the R-T portion (3.6 acres) of the property that is the subject of Application No. SP-03098/01 from the R-T Zone to the M-U-I Zone, subject to the conditions stated below.

SECTION 2. The detailed site plan, as amended, filed with Application No.

SP-03098/01 is hereby approved, subject to the conditions stated below.

SECTION 3. The rezoning and detailed site plan approved herein are subject to the following conditions:

1. Prior to certificate approval, the applicant shall:
 - a. Revise the Landscape Plan to provide Section 4.7 schedule on the site plan in accordance with S4.E.
 - b. Install facilities, which will upgrade the existing tot lot, owned by the City of College Park, near the southeast corner of the property. Such facilities will be shown on the DSP and approved by the Planning Board or its designee, in consultation with the City of College Park, prior to certificate approval of this DSP. The cut sheets for all proposed recreation facilities shall be provided on the site plan.
 - c. Provide a building-mounted signage plan for the multifamily/commercial building to be reviewed and approved by the Planning Board or its designee.
 - d. Provide sign face area calculation for the proposed entrance feature sign for the townhouse development.
 - e. Revise the site plan and landscape plan to be consistent with Development District Overlay Zone standards PIC regarding safe crossing for pedestrians and P2E regarding crosswalk finishing. The details shall be provided on the detail sheet.
 - f. Provide the following pedestrian related improvements:
 - (1) The applicant shall revise the site plan to accurately reflect the ultimate right-of-way line along US 1 showing a 60-foot dedication and shall revise the streetscape along Route 1 to include road-widening, removal of existing sidewalk, new sidewalk, curb and gutter, and street trees per Maryland State Highway Administration direction.
 - (2) Bicycle parking for a minimum of 20 bicycles utilizing inverted "U" bicycle racks.
 - (3) A standard sidewalk along the subject site's frontage of Cherokee Street.
 - (4) A standard sidewalk along the subject site's frontage of Catawba Street.

- g. The condominium/HOA covenants shall provide that all residents of the multifamily/townhouse shall have equal access to the fitness center within the multifamily building and all marketing materials regarding this project shall reflect this.
- h. Provide evidence to show that the subject detailed site plan is consistent with the approved stormwater management concept plan for this site.
- 2. Prior to the issuance of any building permit, an off-site landscape easement for the proposed ten-foot-wide landscape bufferyard shall be recorded among the Land Records of Prince George's County.
- 3. If needed, as determined by the Planning Board after public notice, the applicant shall request a waiver of the building setback requirement.
- 4. Prior to issuance of any building permits for the townhouse section, the foundation for the underground parking garage serving the multifamily/commercial building shall be completed.
- 5. Prior to the issuance of the 44th building permit for the townhouse section, all proposed recreation facilities and amenities associated with the townhouse section shall be constructed and completed for use by the residents.
- 6. The applicant shall upgrade the existing bus stop located on the property with a shelter.
- 7. The applicant shall provide one on-street parking space, as allowed by the City of College Park, for Zip Car, Flex Car, or similar service. If demand warrants the location of a second car at the property, the applicant shall provide one off-street parking space in the parking garage for the second car.
- 8. The applicant shall construct an approximately five-foot-wide sidewalk on the north side of Cherokee Street from US 1 to 48th Place and any other improvements required by Prince George's County. Lighting shall be designed so that there is no excessive light spillover onto adjacent residential property.
- 9. The applicant shall bear the total cost for the design and construction of the traffic signal approved by SHA at the US 1 and Cherokee Street (east) intersection which, prior to the issuance of the building permit, shall be bonded for construction, and installed prior to the release of the use and occupancy permit for the 125th multifamily apartment unit, unless otherwise required by the State Highway Administration.
- 10. Prior to the issuance of any building permits for the property, the following road improvements shall have (a) full financial assurances through either private money or full funding in the County's Capital program; (b) been submitted for construction through the operating agency's access permit process; and (c) an agreed upon timetable for construction with the appropriate operating agency: Provision of a double right turn lane along westbound Greenbelt Road approach to US 1.

11. The applicant shall provide two and one-half (2 ½ acres) of tree mitigation including the credit received for on-site street tree coverage. The applicant shall provide at least two (2) acres of off-site tree mitigation. The first priority for off-site tree mitigation shall be within the City of College Park, at locations designated by the City and approved by the District Council; however, no off-site tree mitigation requirement may be satisfied on land subject to any type of conservation easement or is currently preserved from development due to ownership by a governmental agency, quasi-governmental agency, or non-profit organization. If the City of College Park does not designate an appropriate site for mitigation within the City within nine (9) months from the date of this Order, then the applicant may satisfy mitigation requirements by purchasing tree conservation easements or transferable development rights in satisfaction of this condition, subject to the same restrictions, on land in the Rural Tier, subject to approval by the District Council.
12. The applicant shall install traffic calming devices as shown on the May 4, 2004, plan prepared by The Traffic Group. The traffic calming devices east of 48th Avenue shall be installed prior to the issuance of any use and occupancy permit for the property. The traffic calming devices west of 48th Avenue shall be installed prior to the issuance of the final use and occupancy permit for the property.
13. The applicant shall participate in a Transportation Study of the US Route 1 Corridor in the City of College Park for evaluation of transit strategies, including a US Route 1 shuttle operated by governmental, quasi-governmental or private entities. The Transportation Study shall evaluate the implementation of a comprehensive corridor-wide shuttle system.

In the event that a new or enhanced US Route 1 shuttle system is operational and serving the Subject Property at the time of issuance of the final use and occupancy permit for this project, the applicant shall contribute a proportionate share of the costs of a US Route 1 shuttle, which contribution shall not exceed the cost of a private shuttle for the Subject Property alone.

In the event that a new or enhanced US Route 1 shuttle system is not operational and serving the Subject Property at the time of issuance of the final use and occupancy permit for this project, the applicant shall provide a private shuttle for residents of the development project in accordance with a schedule and routes agreed to with the City of College Park.

If, after initiation of a private shuttle, a US Route 1 shuttle system is created, then the applicant shall participate in the new shuttle system in lieu of providing a private shuttle, and it shall contribute a proportionate share of the costs of a US Route 1 shuttle, which contribution shall not exceed the cost of a private shuttle for the Subject Property alone.

It is anticipated that the applicant will coordinate its shuttle activities with the City of College Park, and that depending on the findings of the Transportation Study of the US Route 1 Corridor and depending on the success of a private

shuttle or a comprehensive US Route 1 shuttle system, that this condition may be modified.

14. In consultation with the City of College Park and the District Council, the applicant shall make a good faith effort to execute a memorandum of understanding with the University of Maryland that prohibits University students residing in the project from obtaining on-campus parking permits. Also, in consultation with the City of College Park and the County Council, the applicant shall make a good faith effort to discuss with the University of Maryland methods to discourage faculty and staff residing in the project from driving their personal vehicles to the campus in the weekday morning and evening peak periods.

SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall become effective initially on the date of its enactment, and the rezoning approved herein shall become effective when the applicant accepts in writing the conditions in Section 3.

Ordered this 6th day of March, 2007, by the following vote:

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

Opposed:

Abstained:

Absent: Council Members Bland, Dean and Knotts

Recused: Council Member Olson

Vote: 5-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Camille A. Exum, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

Case No.: SP-03098/01

Applicant: JPI

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council approves Application No. SP-03098/01, to approve with conditions a rezoning of the R-T part of the property (3.6 acres) to the M-U-I Zone; and

WHEREAS, the applicant has duly consented in writing to the conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final development district rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. SP-03098/01 is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional rezoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the Subject Property as conditionally rezoned shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute

appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

SECTION 3. This Ordinance is effective on May 8, 2007, the date of receipt of the applicant's acceptance of the conditions imposed.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Camille A. Exum, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council