

Case No. DSP-13025 University of
Maryland Student Housing at
Knox Road

Applicant: Toll MD Limited Partnership

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

ORDER AFFIRMING PLANNING BOARD DECISION,
WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 13-137, to approve with conditions a detailed site plan to raze 50 existing duplex units and construct a student housing development consisting of 445 multifamily units and 11,909 square feet of retail development, located on the south side of Knox Road, approximately 1,000 feet west of its intersection with Baltimore Avenue (US 1), with frontage on Knox Road, Guilford Drive, Rossburg Drive, and Hartwick Road in the City of College Park, in Planning Area 66, Council District 3, and is in the Developed Tier, is:

AFFIRMED, subject to the District Council's original jurisdiction pursuant to §27-132(f)(1) of the Zoning Ordinance and its authority to modify the decision of the Planning Board pursuant to 27-290(d) of the Zoning Ordinance.

As the basis for this action, the District Council, pursuant to §27-132(f)(1) and §27-290 of the Zoning Ordinance, adopts and incorporates by reference as if fully stated herein, the findings and conclusions stated by the Planning Board in its Resolution, PGCPB No. 13-137, except as otherwise stated herein.

Procedural History

On October 30, 2013, Technical Staff of the Planning Board recommended approval of DSP-13025 with conditions to the Planning Board. *See* Technical Staff Report, October 30, 2013.

On November 14, 2013, the Planning Board considered evidence at a public hearing regarding DSP-13025. *See* (11/14/2013 Tr.) Appellant, Kerri Hilton did not appear at the evidentiary hearing before the Planning Board.

On December 5, 2013, the Planning Board adopted Resolution 13-137, which approved DSP-13025 subject to conditions. *See* PGCPB 13-137.

On January 9, 2014, Kerri Hilton filed an appeal in opposition to the proposal and requested oral argument.

On January 13, 2014, the District Council elected not to review DSP-13025.

On February 14, 2014, the Applicant, through counsel, filed a response to Kerri Hilton's appeal.

On February 24, 2014, the District Council, pursuant to §27-132, and the District Council Rules of Procedure, held oral arguments, and referred this matter to staff for the preparation of a document of approval with conditions. Appellant, Kerri Hilton did not appear at the oral argument proceedings before the District Council.

Appeal Issues

For clarity, the District Council will restate the appellate issues by Ms. Kerri Hilton and respond to each accordingly.

I am writing pursuant to Section 27-290 of the Zoning Ordinance to appeal the Prince George's County Planning Board's December 5, 2013, decision to

approve the Detailed Site Plan for University of Maryland Knox Road development, DSP-13205. I believe this decision was made in error, as the proposed development does not meet with the requirements of the Approved Central US 1 Corridor Sector Plan.

Page 214 of the US 1 Sector Plan details that new development shall step down to a maximum height of two or three stories where it abuts existing residential areas. The Planning Board has wrongly approved DSP-13025 despite the fact that the project faces residential areas on three facades without a stepback transition. First, the residential buildings to the northeast of the subject property across Knox Road were incorrectly determined by the Planning Board to be an institutional campus location. The area in question boasts only a few small multi-family dwelling units that are clearly residential in nature and are not used for institutional campus purposes. The area is further designated to be “corridor infill” by the US 1 Sector Plan, which describes the hypothetical future use of the area as “primary residential” (Sector Plan, p. 231); Despite this, the Planning Board approved a full six-story building to face these homes. Second, the “townhouse style units” proposed in Block D of the development, south of Guilford Drive, abut a residential neighborhood to the south. These townhomes are proposed to be four stories in height with no-step down. Finally the townhouse-style units and five-story residential building on Parcel 2 face a residential zone across Guilford Drive and have not been required by the Planning Board to step-down to two or three stories in accordance with the US 1 Sector Plan.

DSP 13025 also proposes that two freestanding monument signs of 75 square feet each be installed at the intersection of Hartwick Drive and Guilford Drive. The Planning Board erred in accepting this proposal as the US 1 Sector Plan clearly states on page 256 that all commercial signage shall be attached to a building facade.

The specific interior unit type (size and layout) is crucial information to allow the Planning Board and the County Council to determine if the project conforms to applicable code. Without this knowledge, it is not possible to determine if the non-mixed buildings meet the density requirements. Further if it is truly the desire of the City of College Park and Prince George’s County to encourage those who are not undergraduate students at the University of Maryland College Park to make their homes in downtown College Park, reviewing the unit layout will allow for revisions and suggestions to make this prime real estate more attractive to graduate students, professors, and young professionals.

See Appeal Letter dated January 9, 2014, filed by Kerri Hilton, 1204-409 South Washington Street, Alexandria, VA 22314.

Response

Reviewing the record, we note that Ms. Hilton did not appear before the Planning Board and did not raise any of the issues noted in her appeal before the Planning Board. *See* (11/14/2013, Tr.) As such, the Planning Board was not afforded the opportunity to expressly address the issues raised by Ms. Hilton in her appeal before the District Council. Notwithstanding, as set forth below, we find that the issues raised by Ms. Hilton are without factual and legal merit and we affirm the decision of the Planning Board.

The first issue raised by Ms. Hilton relates to issues regarding whether the Planning Board erred by not requiring a “step down” in the height of the proposed buildings. The 2010 Approved Central US 1 Corridor Sector Plan and Adopted (Central US 1 Corridor Sector Plan and SMA) does address “Step-back Transitions and Landscape Buffers.” *See* Central US 1 Corridor Sector Plan and SMA, 238.¹ Specifically, Central US 1 Corridor Sector Plan and SMA provides that:

When corridor infill and walkable node areas are across the street from or share a rear property line, with an existing residential area, a stepback transition and/or a landscape buffer shall be required for all new development within the corridor infill and walkable node areas.

In this case, adequate transitions are required which comply with the Sector Plan or the Planning Board approved amendments to the requirements.

Ms. Hilton questions the Planning Board approval of DSP-13025 with regard to three specific portions of the project. Each is addressed below:

1) Knox Road

Based on our review of the record and the Central US 1 Corridor Sector Plan and SMA,

¹ The page numbers cited by Ms. Hilton do not accurately identify the pages in Central US 1 Corridor Sector Plan and SMA.

the first stepback transition issue relates to property across Knox Road from the proposed development. (11/14/2013 Tr.), PGCPB 13-137, Technical Staff Report, October 30, 2013. Across Knox Road from the proposed development is a mixture of student housing (South Campus Commons), a fraternity building, and four small multifamily buildings (one of which is owned by the State of Maryland). The multifamily buildings are similar in age and style as the “Knox Boxes” which the applicant proposes to raze. While the Applicant included a request for an amendment to the Sector Plan step-back design guidelines along Knox Road, it was not clear that a stepback is required in this area. The amendment was requested out of an abundance of caution because the non-student housing uses are existing residential buildings. The Planning Board found, in fact, that these buildings are not considered to be an “existing residential area” for purposes of the Sector Plan and development review, but rather an institutional campus location. The appeal challenges this finding. As noted in the record, the height of the proposed buildings is compatible with the existing student housing across Knox Road (South Campus Commons). The four existing residential structures from which the stepback transition would be provided are, in fact, the same type of old multifamily dwelling that the Sector proposes be redeveloped. Thus, the Planning Board did not view this type of residential use an “existing residential area” which the transition provisions of the Sector Plan were designed to protect. In addition, the following points support the conclusion that a step-back transition from the development across Knox Road is either not required or is not desirable:

- Step-back transitions are only applicable when development is across the street from “existing residential areas.” The property across Knox Road is identified as a “Walkable Node,” not an existing residential area and is proposed for redevelopment in the Sector Plan. Ms. Hilton erroneously states that this property is designated as Corridor Infill.

- The Massing requirements for buildings only require a stepback after 8 stories in the Walkable Node (University). While the Walkable Node (University) allows building heights of up to 10 stories the Applicant has proposed a maximum height of 6 stories. *See* Central US 1 Corridor Sector Plan and SMA, 235, 237.

We find that the Planning Board did not err in finding that a stepback transition and/or Landscape Buffer was not required along Knox Road.

2) Block D

The second step-back transition issue relates to the portion of the project south of Guilford Road which abuts the existing College Heights Estates neighborhood. Ms. Hilton argues that the units proposed for this portion of the subject property, which are four stories in height, were not required to step-down. Block D is designated as Corridor Infill, and does abut this existing residential area. However, the Sector Plan clearly states that in this instance, “a stepback transition and/or a landscape buffer shall be required.” (Emphasis supplied) The initial DSP filed by the Applicant provided a ten foot building setback from the adjoining property. The Planning Board notes in its Resolution (p. 9) that the Sector Plan only requires a ten foot setback, but that the Design Standard for transitions requires that the buffer be consistent with the standards of the Landscape Manual. As a result, the Applicant revised its application to remove two units to increase the building setback to 30 feet and the landscape buffer to 20 feet abutting the existing residential area. We concur with the Planning Board that this setback complies with the Landscape Manual. Since the Sector Plan requires a stepback transition or a landscape buffer, the revised plan fully satisfies the Sector Plan requirements. Notwithstanding, the Planning Board further evaluated whether a stepback was “appropriate” in addition to the landscape buffer and concluded that it was not, due to the height of abutting buildings and topographic conditions. We also find that the Planning Board’s decision that the modifications

to the plan to provide the landscape buffer without also reducing the height of the proposed buildings is supported by substantial evidence in the record.

3) Guilford Drive

The final stepback issue raised by Ms. Hilton relates to the portion of the project fronting on Guilford Drive designated as Parcel 2. This property consists of a five story multifamily building primarily fronting on Hartwick Road and four story townhouse style units fronting on Guilford Drive. Across Guilford Drive, which is a divided roadway with a heavily landscaped median, is multifamily housing occupied by graduate students and are up to four stories in height. This area is designated as Corridor Infill on Page 230 of the Sector Plan, not as existing residential. The Planning Board notes that the development site is unique in that it includes three blocks of land separated by roadways and that the buildings step back in height from block to block as encouraged in the Sector Plan. In fact, the height of the townhouse style units along Guilford Drive is the minimum allowed in the Walkable Node (University). Further, the guidelines for stepback transitions in the Walkable Node (University) require stepbacks after 8 stories. Since the existing development across Guilford Road is not designated as existing residential development and is already constructed at up to four stories (Resolution p. 9), the District Council finds that the stepdown of building heights across the site to four stories satisfies the intent of the Sector Plan. For all of these reasons, a stepback transition was not required along Guilford Drive. *See also Central US 1 Corridor Sector Plan and SMA, 237.*

The second issue raised by Ms. Hilton is that the Planning Board allowed two freestanding signs. The Sector Plan does not provide for free standing signs of any type. The Planning Board is authorized to apply development standards which differ from the Development District Standards pursuant to 27-548.25. The applicant requested that the Planning

Board permit two freestanding monument signs. Based on the evidence in the record, the Planning Board found that allowing the signs would benefit the development and not substantially impair the implementation of the Sector Plan. We concur with the Planning Board.

Finally, Ms. Hilton questions the need for information detailing the “interior unit type (size and layout)” proposed, claiming that without this information “it is not possible to determine if the non-mixed use buildings meet the density requirements.” There is no requirement or need to include a specific interior layout of the proposed units. While in some circumstances such information may be relevant (e.g. where bedroom percentage regulations apply or where parking is based on the number of bedrooms), such circumstances do not apply here. The interior unit layout has no bearing on density, only the total number of units would have any bearing on density. The applicant did provide, on the DSP, the total number of units in each building. However, in this case there is no maximum density requirement, as intimated by the appellant. Section 27-546.18(b) of the Zoning Ordinance provides that “where an owner proposes a mix of residential and commercial uses on a single lot or parcel in the M-U-I zone, the site plan as approved shall set out the regulations to be followed.” Even though the property consists of three separate blocks of land, they are to be developed as a unit, and as such, are considered a single lot in accordance with Section 27-546.18(b). Section 27-107.1 of the Zoning Ordinance defines the term “Lot” as a “designated area of land to be used, developed, or built upon as a unit (in accordance with this Subtitle).” Further, a “‘Lot’ shall be made up of one (1) or more entire ‘Record Lots’”. The “lot” included in DSP-13025 is made up of one or more “record lots” which is being developed as a unit in accordance with Subtitle 27. We reject this argument because the development proposed on the lot includes a mix of residential and commercial uses and we find that there is no issue as to the allowable density as intimated in the appeal.

For the reasons set forth above, we find that that the appeal in this matter has no factual or legal merit and we affirm the findings and conclusions of the Planning Board in PGCPB 13-137.

Affirmance of the Planning Board's decision is subject to the following conditions:

A. APPROVAL of the alternative development district standards for:

1. **Building Form/Step-Back Transitions and Landscape Buffers (page 238):** To eliminate the step-back transition requirement west of Building A and to permit landscape plantings and a buffer area along the southwestern property lines of Lots 9 and 13 to meet the intent of the transition requirements.
2. **Building Form/Character Area 5a: Walkable Nodes (page 234):** To permit greater building setbacks from Guilford Drive and Hartwick Road, as shown on the site plan.
3. **Building Form/Parking Lots, Loading and Service Areas (page 242):** To permit loading spaces internal to the building that are within 30 feet of public sidewalks.
4. **Building Form/Structured Parking (page 243):** To permit a parking garage within 50 feet of the Knox Road frontage.
5. **Architectural Elements/Signage (page 254):** To permit two freestanding monument signs and signage in excess of ten percent for Buildings B and C.
6. **Streets and Open Spaces/Streetscape (page 263):** To permit sidewalks less than 12 feet wide.
7. **Streets and Open Spaces/Street Lighting (page 267):** To permit a column-style street light fixture, instead of double-column.

B. DISAPPROVAL of the alternative development district standards for:

1. **Streets and Open Spaces/Street Lighting (page 266):** To permit a street light spacing greater than 30 feet on center. Street lighting shall be provided 30 feet on center, on average.

C. APPROVAL of Detailed Site Plan DSP-13025, University of Maryland Student Housing at Knox Road, with the following conditions:

1. Prior to signature approval, the detailed site plan (DSP) shall be revised, or additional information shall be provided, as follows:

- a. Provide the exact number of parking spaces required by the 2010 *Approved Central US 1 Corridor Sector Plan and Adopted Sectional Map Amendment*.
- b. Submit plans that show each level of the proposed parking garage, and dimension parking space sizes and drive aisle widths, so conformance with the requirements of the Zoning Ordinance may be determined.
- c. If the courtyard facilities within Buildings A and B are not accessible to residents of all of the buildings, then the application shall demonstrate that adequate recreational facilities will be provided within each building section.
- d. Details of site amenities on proposed Parcels 2 and 3 shall be provided, such as tables, chairs, and grills.
- e. Each freestanding sign shall not exceed 15 feet in width and 5 feet in height, as described on the sign plan, for a total maximum sign area of 75 feet for each sign. The monument signs shall be constructed of materials compatible with the architecture. Additional information regarding sign materials shall be provided with the sign plan prior to signature approval.
- f. The sign standards for the building-mounted project identification signs shall include lighting from an external source or utilize back-lighting of individual letters or numbers, designed so that the face of the letters or numbers do not illuminate; and shall be designed to include full cut off fixtures to the extent feasible.
- g. Revise the photometric plan to show or note minimal, or no, lighting spillover at the southern property line adjacent to existing single-family development.
- h. Revise the photometric and lighting plan to show sufficient lighting along the service drive locations on proposed Parcels 2 and 3.
- i. The applicant shall work with the University of Maryland to evaluate the feasibility of having emergency call boxes and cameras installed throughout the proposed site to improve the safety and overall security for the future residents and patrons. If agreement is reached on appropriate measures to be employed, provide notes on the plan to this effect, and reference the final determined security measures that will be implemented. The plan shall specify the use of exterior cameras on Buildings A, B, and C that have views of Knox Road, Hartwick Road, Guilford Road, and the Mews.

- j. Include a note on the DSP that limits the hours of operation of the commercial tenants from 7 a.m. to 2 a.m. and limits the hours of deliveries for commercial tenants from 8 a.m. to 6 p.m., in order to ensure minimal impacts on adjacent properties.
 - k. Provide details of objectively reasonably attractive brick or other acceptable masonry dumpster enclosures for use on the site (to exclude exposed cinder block dumpster enclosures on the site).
 - l. Add a note to the DSP that all loading area access doors shall remain closed, except during times of entrance and exiting of vehicles.
 - m. Label the height of the access to all loading spaces on the site plan. The loading space access height shall be at least 15 feet.
 - n. Indicate the final number of units.
 - o. Delineate a public use easement within the mews, and describe it by bearings and distances.
 - p. Develop the design of the garage structure of Building “B” to minimize light pollution into the courtyard and to provide a suitable elevation facing the courtyard.
 - q. The driveway around the village green shall be revised to include a more expansive specialty paving, or specialty asphalt or concrete, treatment.
2. Prior to signature approval, the detailed site plan (DSP) shall be revised to indicate the following bicycle, pedestrian, and streetscape improvements:
- a. Provide sidewalks along the site frontage that are no less than six feet in width. The sidewalk along Knox Road shall be widened further, as feasible, subject to approval by and further coordination with the City of College Park.
 - b. Revise the Knox Road street section to provide a 5-foot wide westbound bicycle lane, a 10-foot-wide westbound drive lane, an 11-foot-wide eastbound “sharrow” lane, and an 8-foot-wide parking lane on the south side of Knox Road. The ultimate street section is subject to approval and modification by the City of College Park.
 - c. Show a minimum six-foot-wide sidewalk and five-foot-wide planting strip along the north side of Knox Road from the proposed crosswalk east to the driveway of the Delta Sigma Phi fraternity house.

- d. Indicate the roadway and streetscape improvements consistent with Exhibits 1–4, including:
 - (1) A hammerhead turnaround at the terminus of Rossburg Drive, subject to review and reasonable modification by the City of College Park;
 - (2) Crosswalk enhancements subject to review and reasonable modification by the City of College Park; and
 - (3) Additional bicycle rack locations subject to review and reasonable modification by the City of College Park and the Urban Design Section.
- e. Show the installation of street trees and pedestrian light fixtures extended from the project boundary along Knox Road and Guilford Road to the intersection of these two streets.
- f. Show street light fixtures spaced at 30 feet on center, on average, and indicate the locations of light fixtures that the applicant proposes to maintain.
- g. Redesign the mews/stairs to accommodate pushing a bike. Provide a detail of the final design.
- h. Show a possible location for a proposed bikeshare station (11 docks and 6 bikes) that measures 31 feet in length and 6 feet in width. Provide a detail or photograph of the type of bikeshare station proposed. The final location may be adjusted in consultation with the City of College Park and the Urban Design Section.
- i. Provide signage locations and details for large groupings of bicycle parking spaces along road frontages and within the main parking garage in accordance with the Maryland Manual on Uniform Traffic Control Devices (MUTCD) 2011 Edition and utilize the D4-3 sign guide sign or plaque. Details of the D4-3 sign or plaque shall be shown on the DSP. The final bicycle parking locations and signage are subject to approval and modification by the City of College Park if they are located within their road rights-of-way.
- j. Provide details for bicycle parking spaces. Bicycle racks shall be anchored in concrete and shown on the plan's detail sheet(s).
- k. Locate the proposed bicycle parking spaces, including along road frontages, in the main parking garage and near the townhouse-style units

on the DSP, and update the DSP coversheet to include the final number of bicycle parking spaces proposed.

3. Prior to signature approval of the detailed site plan (DSP), the following revisions shall be made to the landscape plan:
 - a. Revise line three within all Section 4.1 schedules to state, “total number of shade trees required,” and provide the correct calculations for the required shade trees for Sites A and B.
 - b. Provide one consolidated master plant list on the landscape plan.
 - c. Soften the views of public utility transformers from public rights-of-way, to the extent feasible, through the planting of reasonably objectively attractive evergreen shrubs, while maintaining necessary access to the transformers.
4. Prior to signature approval of the detailed site plan (DSP), the architectural elevations shall be revised as follows, after referral to the City of College Park for review and comment:
 - a. Samples of the façade materials proposed for the parking garage shall be provided for further review and approval by Urban Design staff, as designee of the Planning Board. The materials shall, at a minimum, give the appearance of a convincing brick treatment on the east elevation, and the design of the garage shall blend in with the architecture of the rest of the building.
 - b. Label all building façade materials, including the façade of the garage.
 - c. Provide a detail indicating the appearance of the mesh treatment for the parking garage openings. Details of any modifications to the garage openings to provide adequate air circulation within the garage shall be provided.
 - d. Create a projecting vertical bay with windows on Building B, south elevation, similar to that found on Building B, north elevation, or alternate architectural treatment deemed appropriate by the Urban Design Section in consultation with the City of College Park.
 - e. Create a projecting vertical bay with windows for Building C, west elevation, similar to that found on Building C, north elevation, or alternate architectural treatment deemed appropriate by the Urban Design Section in consultation with the City of College Park.

- f. Evaluate the feasibility of locating the entrance to Building C to better align with the village green.
 - g. Provide details of attractive ornamental-style garage doors, which shall be used to screen the loading areas.
 - h. Modify the color of the rears of the proposed townhouse-style units so they are consistent with the front of the building, with accent colors provided as appropriate.
 - i. Evaluate the appropriateness of additional bays on the front of the proposed townhouse-style units, and revise the townhouse elevations as deemed appropriate.
 - j. Refine the architectural elevations by providing additional attractive architectural detailing and plane projections.
5. Prior to certificate approval of the detailed site plan (DSP), the applicant and the applicant's heirs, successors, and/or assignees shall vacate the dedicated public right-of-way of Rossburg Drive (WWW 20-94) and obtain approval of a minor final plat pursuant to Section 24-112 of the Subdivision Regulations. The minor final plat shall:
- a. Reflect the liber and folio of the public pedestrian access easement to the benefit of the City of College Park in accordance with approved Detailed Site Plan DSP-13025.
 - b. Reflect the liber and folio of a private access easement in accordance with approved Detailed Site Plan DSP-13025 that ensures that the future residents of all buildings will retain the ability to park in the parking garage proposed in Building B. The easement document shall be approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) prior to final plat approval, and the liber and folio shall be reflected on the final plat prior to recordation. The easement shall set forth the rights, responsibilities, and liabilities of the parties.
 - c. In accordance with Section 27-548.43(b)(2) of the Zoning Ordinance and as modified herein, prior to final plat approval, a disclosure clause shall be approved for placement on the final plat and for inclusion in deeds and rental agreements for all properties that notifies prospective purchasers and/or tenants 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.

6. Prior to the vacation of Rossburg Drive, the applicant shall provide verification to the Subdivision Review Section that Rossburg Drive is closed, and that Knox Road has been converted to a two-way street, or has otherwise been modified to the reasonable satisfaction of the City of College Park.
7. Prior to approval of demolition permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide to the Planning Department's Historic Preservation Section documentation of the existing buildings to be demolished according to Maryland Historical Trust (MHT), Maryland Inventory of Historic Properties (MIHP) standards, including exterior and interior photographs and representative interior floor plans.
8. Demolition and grading permits needed to remove the slabs and foundations of the existing dwellings may be issued after final approval, but prior to certification of the detailed site plan. No grading or construction beyond these limited activities may occur prior to certification of the detailed site plan.
9. Total development within the subject property shall be limited to development which generates no more than 227 AM peak hour and 341 PM peak-hour vehicle trips.

Ordered this 25th day of February, 2014, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Lehman, Olson, Patterson,
Toles and Turner.

Opposed:

Abstained:

Absent: Council Member Harrison.

Vote: 8-0

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: _____
Mel Franklin, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council