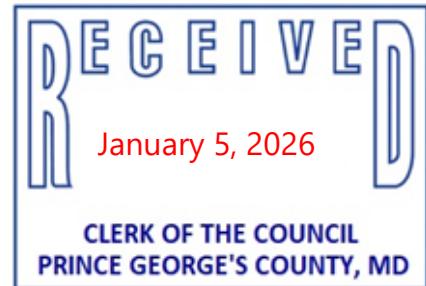


January 5, 2026

**VIA EMAIL**

Ms. Donna Brown, Clerk  
Clerk of the County Council  
Wayne K. Curry Administration Building  
1301 McCormick Drive  
Largo, MD 20774  
Email: ClerkoftheCouncil@co.pg.md.us



**Re:** ZMA-2024-002: The Mark at College Park – 4313 Knox Road and 4330 Hartwick Road, College Park, Maryland (the “**Property**”)  
**Appeal of Zoning Hearing Examiner Decision filed on December 4, 2025**

Dear Ms. Brown:

The Mark at College Park, LLC (“**Applicant**”), by and through its attorneys, CLHatcher LLC, takes exception to certain conclusions and conditions of the Decision of the Zoning Hearing Examiner (“**ZHE**”) in Case No. ZMA-2024-002 (the “**Case**”) filed on December 4, 2025 (the “**ZHE Decision**”), with the County Council of Prince George’s County, sitting as the District Council (the “**District Council**”), attached hereto as Exhibit A. As described hereinbelow, certain conclusions and conditions contained in the ZHE Decision are inconsistent with the testimony, facts and/or evidence within the ZHE record (the “**Record**”) compiled in connection with the Case. In addition, the Applicant respectfully requests oral argument on this appeal before the District Council.

***Applicant identifies any references to the ZHE Decision by the finding or conclusion number listed therein and/or the page number and to the Record by page number and/or exhibit number.***

In support thereof, Applicant notes the following exceptions to the ZHE Decision:

1. Exception #1: Moderately Priced Student Housing Condition is not Relevant to Approval of the ZMA Case – Condition No. 10 Should Be Removed.

a. On Page 52 of the ZHE Decision in the Conclusions of Law section, the ZHE’s Conclusion of Law No. 6 states that:

*(5) The City of College Park’s conditions concerning the provision of 10% of the beds as moderately priced student housing should be tied somehow to this approval, since student housing was considered by Mr. Lenhart in his traffic impact analysis and was often discussed in the record, as allowed in Section 27-1503(a) of the*

*Zoning Ordinance. I, therefore, recommend that evidence of an agreement between the City and the applicant be submitted at the time of the preliminary plan of subdivision review.*

Based on Conclusion of Law No. 6, the ZHE recommended the addition of the following condition, Condition No. 10, on Page 53 of the ZHE Decision in the Recommendation section:

*10. At the time of the Preliminary Plan of Subdivision, applicant and the City of College Park should submit evidence of the agreement and Declaration of Covenants concerning the provision of beds for eligible students whose income does not exceed 80% of the Area Median Income, and the reduced rent that will be charged per bed.*

The Applicant takes exception to both Conclusion of Law No. 6 and Condition No. 10 from the ZHE Decision. Conclusion of Law No. 6 indicates that Condition No. 10 is necessary to tie the City of College Park's condition regarding "moderately priced student housing" in its Letter of Support<sup>1</sup> to the approval of the Case, because "student housing was considered by Mr. Lenhart in his traffic impact analysis." However, the City of College Park's condition regarding moderately priced student housing does not arise from any explicit legal requirement applicable to PD-ZMA applications or traffic impact analyses.<sup>2</sup> The provision of moderately priced student housing is not a required finding for approval of a PD-ZMA to the RTO-PD Zone, nor has the Applicant proposed the provision of moderately priced student housing a public benefit.

Notwithstanding the lack of legal obligation to provide any moderately priced housing, both the City of College Park and the Applicant intend to memorialize the moderately priced student housing obligation pursuant to a separate agreement.<sup>3</sup> This intent was also noted by The Maryland–National Capital Park and Planning Commission ("M–NCPBC") Staff in its Memorandum evaluating the City's Letter of Support,<sup>4</sup> where M–NCPBC Staff states that:

*Staff understand that the requirement for moderately priced dwelling units or beds is a **separate agreement between the applicant and the City**, along with other occupancy stipulations, and should be addressed separately.<sup>5</sup>*

---

<sup>1</sup> Letter from Miriam Bader, AICP, Director of Planning and Community Development, City of College Park to Peter A. Shapiro, Chairman, Prince George's County Planning Board (April 16, 2025) (see Exhibit 31 (Pages 563-566 of the Record)).

<sup>2</sup> The Applicant notes that the ZHE Decision does not explain the nexus between traffic impact and moderately priced student housing.

<sup>3</sup> It is anticipated that this agreement will take the form of a Declaration of Covenants.

<sup>4</sup> Memorandum from Evan King, Planner II, Zoning Section, Development Review Division, to The Prince George's County Planning Board (April 29, 2025) (see Exhibit 31 (Pages 567-574 of the Record)).

<sup>5</sup> Memo, dated April 29, 2025, from Evan King (Exhibit 31 (Page 567 of the Record)) (**emphasis added**).

M-NCPPC Staff further stated in its Memorandum<sup>6</sup> that:

*The purposes of the Declaration of Covenants and Agreement recommended by the City **are not germane to the criteria for approval of a ZMA**, and so staff does not recommend its inclusion. The applicant and the City may enter into a private agreement of their own accord; however, because the purposes of the agreement are not germane to the ZMA approval criteria, **there is no basis for the Planning Board or Prince George's County to be the authority to enforce such an agreement.**<sup>7</sup>*

In accordance with the M-NCPPC Staff analysis above, the Applicant takes exception to Conclusion of Law No. 6 and Condition No. 10, because the City's moderately priced student housing condition is not relevant to the approval of the Case, as a required finding, a public benefit, or otherwise, nor is it relevant to the traffic impact analysis. Accordingly, the Applicant requests that the District Council remove Condition No. 10 from the Conditions of Approval of this Case.<sup>8</sup>

## 2. Exception #2: Clarification Regarding the Statement of Justification and Modified Standards.

On Page 3 of the ZHE Decision in Findings of Fact – Applicant's Request No. 3, the ZHE states that:

*applicant submitted two Statements of Justification prepared in conjunction with its civil engineer and its architect, as noted below. (Exhibits and 37) The first was slightly modified in the second.*

The Applicant first notes that the original Statement of Justification is included in the Record as Exhibit 14, while the revised Statement of Justification (Updated: July 30, 2025) is included in the Record as Exhibit 32. Further, throughout the ZHE Decision, the ZHE occasionally refers to the “revised Statement of Justification” (Exhibit 32) as the “Statement of Justification.” The revised Statement of Justification more accurately reflects the Applicant’s proposal, including its requested development regulation modifications and relevant justification, was revised by the Applicant in coordination with the City of College Park and M-NCPPC Staff, and was the relevant Statement of Justification assessed during the ZHE hearing. Accordingly, the Applicant takes exception primarily for the purpose of clarifying that Exhibit 32 of the Record is the relevant Statement of Justification (as opposed to Exhibit 14) for assessing the Applicant’s proposal

---

<sup>6</sup> Memo, dated April 29, 2025, from Evan King (Exhibit 31 (Pages 567-574 of the Record)).

<sup>7</sup> Memo, dated April 29, 2025, from Evan King (Exhibit 31 (Page 573-574 of the Record)) (**emphasis added**).

<sup>8</sup> The Applicant notes that the Declaration of Covenants and Agreement would generally be executed prior to certification of the Detailed Site Plan. Such a Declaration would almost never be executed prior to approval of a Preliminary Plan of Subdivision. Accordingly, if Condition No. 10 were to ultimately be retained, the timing should be amended from “[a]t the time of the Preliminary Plan of Subdivision” to “prior to certification of the Detailed Site Plan.”

and its conformance to Zoning Ordinance requirements. For additional clarity, the full list of Development Regulations that the Applicant proposes to be modified pursuant to Section 27-4301(d)(2) of the Zoning Ordinance is collectively contained in Exhibits A and A-1 to the revised Statement of Justification (Exhibit 32).<sup>9</sup>

3. Exception #3: Clarification Regarding PD Zone.

a. On Page 52 of the ZHE Decision, the ZHE inadvertently references the requirements of the NAC-PD Zone when intending to refer to the RTO-PD Zone. The Applicant takes exception to these references for the purpose of clarity.

4. Requested Relief

There are sufficient testimony, facts and evidence in the Record to show that the Applicant's applicant has met each required finding for approval of the Planned Development Zoning Map Amendment from the RTO-L-E Zone to the RTO-PD Zone. Accordingly, the Applicant respectfully requests that the District Council approve the Applicant's Planned Development Zoning Map Amendment, ZMA-2024-002, and the associated PD Basic Plan and PD Conditions of Approval, subject to Conditions Nos. 1 through 9 and Consideration No. 1 of the ZHE Decision.<sup>10</sup>

5. Request for Oral Argument. The Applicant hereby respectfully requests oral argument on this appeal before the District Council.

Respectfully,



---

Christopher L. Hatcher  
CLHatcher LLC

Enclosure

cc: Stan Brown, Esq. | People's Zoning Counsel, Prince George's County  
Cheryl Summerlin  
Persons of Record

---

<sup>9</sup> Pages 614 – 620 of the Record.

<sup>10</sup> The Applicant reiterates its request for removal of Condition No. 10 from the ZHE Decision.

**EXHIBIT A**

**ZHE DECISION**

OFFICE OF THE ZONING HEARING EXAMINER  
FOR PRINCE GEORGE'S COUNTY, MARYLAND  
NOTICE OF DECISION  
Councilmanic District: 3  
ZMA-2024-002  
The Mark at College Park, LLC.  
Case Number



On the 4th day of December 2025 the attached Decision of the Zoning Hearing Examiner in Case No. ZMA-2024-002 was filed with the District Council. This is not the final decision; it is only the Hearing Examiner's recommendation to the District Council.

Within 30 calendar days after the above date, any person of record may file exceptions with the Clerk of the Council to any portion of this Decision and may request oral argument thereon before the District Council. \*

Zoning Hearing Examiner  
Wayne K Curry Building, 3<sup>rd</sup> Floor  
1301 McCormick Drive  
Largo, MD 20774  
(301) 952-3644

\*Instructions regarding exceptions and requests for oral argument are found on the reverse side of this notice.

**Your failure to note an appeal may result in a waiver of your rights to an appeal.**

**NOTICE AND DECISION SENT VIA EMAIL TO THE FOLLOWING:**

cc: Chris Hatcher, Esq.  
Persons of Record (19)  
Rajesh A. Kumar, Principal Counsel to the District Council  
Stan D. Brown, People's Zoning Counsel

## **INSTRUCTIONS FOR FILING**

I. Exception(s) Taken to the Examiner's Decision Shall Be:

- a) In writing;
- b) Numbered in sequence;
- c) Specific as to the error(s) which are claimed to have been committed by the Examiner;

(The page and paragraph numbers of the Examiner's Decision should be identified.)

d) Specific as to those portions of the record, including the Hearing Examiner's Decision, relied upon to support your allegation of error(s) committed by the Examiner.

(The exhibit number, transcript page number, and/or the page and paragraph numbers of the Examiner's Decision should be identified.)

## II. Requests for Oral Argument:

If you desire oral argument before the District Council, request must be made, in writing, at the time of filing your exception(s).

**III. Notification to All Persons of Record:**

Your request for oral argument and/or exception(s) must contain a certificate of service to the effect that a copy thereof was sent by you to all persons of record via email or regular mail.

(A list of these persons and their addresses is available from the Clerk to the Council.)

IV. Where to File: Clerk of the County Council Electronically via

Clerk of the County Council or ClerkoftheCouncil@co.pg.md.us  
Wayne K Curry Building Fax: (301) 952-5178  
1301 McCormick Drive, 2<sup>nd</sup> Floor  
Largo, Maryland 20774  
Phone: (301) 952-3600

## V. Aggrievement

Section 25-212 of the Maryland Annotated Code Land Use Article may require you to show you are aggrieved if you request a review of this decision. Section 25-212 provides as follows:

"In Prince George's County, a person may make a request to the District Council for the review of a decision of the Zoning Hearing Examiner or the Planning Board only if:

(1) The person is an aggrieved person that appeared at the hearing before the Zoning Hearing Examiner or Planning Board in person, by an attorney, or in writing; and

(2) The review is expressly authorized under this division. [Division 2 of the Land Use Article]."

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND**  
**OFFICE OF THE ZONING HEARING EXAMINER**

**ZONING MAP AMENDMENT**

**ZMA-2024-002**

**DECISION**

Application: Request to Rezone from the RTO-L (Edge) Zone to the RTO-PD Zone  
applicant: The Mark at College Park, LLC  
Opposition: None  
Hearing Date: August 6, 2025  
Decision Date: December 3, 2025  
Hearing Examiner: Maurene Epps McNeil  
Recommendation: Approval with Conditions

**NATURE OF REQUEST**

(1) ZMA-2024-002 is a request for the rezoning of approximately 4.53 acres in the RTO -L (Regional Transit-Oriented Low- Intensity (Edge)) Zone to the RTO-PD (Regional Transit-Oriented Planned Development) Zone for the development of up to 665 multifamily dwelling units.<sup>1</sup> The site is also part of the APA (Aviation Policy Area) Overlay Zone and will remain therein if the Application is approved. The subject property is located between Hartwick Road and Knox Road, approximately 635 feet west of the intersection of Hartwick Road and Baltimore Avenue (US 1), College Park, Maryland. It is identified as 4313 Knox Road and 4330 Hartwick Road, College Park, Maryland, and it lies within the municipal boundaries of the City of College Park.

(2) The Technical Staff and the Prince George's County Planning Board ("Planning Board") recommended approval of the requeststreet (Exhibits 26 and 31)

(3) No one appeared in opposition to the requeststreet

(4) At the close of the hearing, the record was left open for the submittal of three additional documents. All three were submitted on October 9, 2025. The record<sup>2</sup> was closed at that time.

---

<sup>1</sup> The Basic Plan notes a density of 680 multifamily dwelling units, the Land Planning Analysis states 679 multifamily dwelling units, and the Planning Board Resolution states 665 multifamily dwelling units. (Exhibits 23, 26, and 37)

<sup>2</sup> The record consists of 44 Exhibits and the Transcript from the hearing.

## FINDINGS OF FACT

### Subject Property/Neighborhood/ Surrounding Uses

(1) The subject property is located within Zone APA-6 of the College Park Airport Aviation Policy Area Overlay Zone. This Overlay Zone establishes safety standards for occupants of land within the vicinity of the airport. As noted by the Planning Board, applicant will have to show compliance with the Federal Aviation Administration's building height requirement at the time of Detailed Site Plan review. (Exhibit 26, p.35) The site is located on the south side of Knox Road and the north side of Hartwick Road, approximately 500 feet west of Baltimore Avenue (US Route 1). It lies within the municipal boundaries of the City of College Park.

The site is currently improved with two six-story multifamily condominium dwellings and a shared parking area known as College Park Towers. The buildings occupy the center of the site. The subject property has a substantial grade transition between Knox Road and Hartwick Road, sloping downward from Knox to Hartwick. (Exhibits 23 and 37, p. 5) The two buildings and accompanying vehicular circulation/parking areas almost cover the entire site; there are a few grassed and lightly-landscaped areas surrounding the buildings.

(2) The applicable laws for this request require a finding that the request will not adversely impact the "surrounding properties", while zoning map amendment applications brought pursuant to Section 27-3601(e) of the Zoning Ordinance require a finding concerning change to the "neighborhood." Neither is a defined term, but the general definition of "surrounding properties" would render it a smaller area than a "neighborhood." The Technical Staff and the applicant's witness, accepted as an expert in land use planning, agree that the "surrounding area" in this case is closely analogous to the limits of the Downtown College Park Walkable Node designated within the Sector Plan. This area is described as follows:

North—	University of Maryland Campus housing in the RR Zone, and one fraternity house in the LTO-E Zone.
East—	Commercial shopping center in the LTO-E Zone.
South—	Mixed-use in the RTO-L-E and LTO-E Zones.
West—	Mixed-use in the RTO-L-E Zone.

(Exhibit 31, p. 5)

### Master Plan/Sectional Map Amendment/General Plan

(3) The subject property is located within Planning Area 66, an area governed by the 2010 Central US 1 Corridor Sector Plan (the "Sector Plan") and the Sectional Map Amendment. The Sector Plan designates the property as suitable for Residential-High land use.

(4) The 2014 Plan Prince George's General Plan (the "General Plan") places the site either within the College Park/UM Metro/M Square Purple Line Regional Transit District Growth Policy Area (as noted within the Staff Report and the Planning Board Resolution) or the University of Maryland Center and East Local Campus Center, and the Innovation Corridor within the City of College Park designated on the Strategic Investment Map (as noted by applicant's expert witness). The instant request is permitted in the Regional Transit District or the Innovation Corridor. (applicant's land planner also noted that PGAtlas erroneously designates the site as being within the Established Communities component of the Centers, notwithstanding the definition on Page 20 of the General Plan that limits the Established Communities to areas outside of the Regional Transit Districts and Local Centers, which are served by public water and sewer. Exhibit 37, p. 9) The General Plan recommends directing the majority of future residential growth to the Regional Transit Districts and envisions them as medium-to high-density, vibrant, and transit-rich mixed-use areas, envisioned to capture the majority of future residential and employment growth and development in the County. (General Plan, p.19) It includes policies for the Innovation Corridor that encourage housing in sufficient quantity, quality, and proximity to the areas where research is conducted.

(5) The 2010 SMA retained the property within the R-10 (Multifamily High Density Residential) Zone; however, the 2022 Countywide Map Amendment placed it within the RTO-L (Edge) Zone. At the time of the adoption of the CMA, the base zone limited maximum density to 60 dwelling units per acres. A subsequent bill, CB-15-2024, increased it to 140 dwelling units per acre in part to buttress transit-oriented development. This bill was challenged in court and, in an abundance of caution, the instant application was filed to allow the density set forth in the Sector and General Plans.

#### applicant's Request

(1) applicant is authorized to conduct business in the State of Maryland, having received a Certificate from the State Department of Assessments and Taxation. (Exhibit 33). applicant is the contract purchaser of the Subject Property. (T. 16) Landmark Properties, Inc, and The Unit Owners Association of College Park Towers, Inc. were the owners at the time of the hearing.

(2) applicant is requesting approval to rezone the property from the RTO-LE Zone to the RTO-PD Zone in order to redevelop the subject property by razing two existing high-rise multifamily dwellings ("College Park Towers") and constructing two new buildings with internal parking, at a greater density and coverage of the site. The original request included a mix of residential and nonresidential uses; however, this was revised following the pre-application neighborhood meeting and discussions with planning staff. (T. 7, 98-99)

(3) applicant submitted two Statements of Justification prepared in conjunction with its civil engineer and its architect, as noted below. (Exhibits and 37) The first was slightly modified in the second. The revised Statement of Justification provided the following standards, required in Section 27-4301 (d) of the Zoning Ordinance:

The specific uses allowed within the Proposed Development will be:

- Principal: dwelling, multifamily, and all commercial uses permissible in RTO-PD Zones (including retail uses).
- Accessory: any accessory uses permissible in the RTO-PD Zone.
- Temporary: any temporary uses permissible in the RTO-PD Zone.

*Intensity and Dimensional Standards – RTO-PD Zone (Edge area) – In accordance with Sections 27-4301(d) and 27-4303(d)(3) of the Zoning Ordinance, the applicant submits Table §27-4303(d)(3) below as the intensity and dimensional standards to be established by the PD Basic Plan within the RTO-PD Zone, Proposed Rezoning and Proposed Development:*

Standard	Proposed Standard
Block length, min.   max. (ft.)	400   800
Lot area, min. (sf.)	5,000
Lot width, min. (ft.)	50
Density, min. (du/net lot area)	20.00
Floor area ratio (FAR), min. (nonresidential & mixed-use)	No Requirement
Lot coverage, min.   max. (% of net lot area)	No Requirement   80
Density, max. (du/net lot area)	150
Floor area ratio (FAR), max.	No Requirement
Build-to line, min.   max. (ft.)	0   35
Building width in build-to zone, min. (% of lot width)	70
Front yard depth, min. (ft.)	0
Side yard depth, min. (ft.)	0
Rear yard depth, min. (ft.)	0
Building façade transparency, min. (% of street-level façade area)	
Abutting or facing a street frontage or pedestrian way	No Requirement
Facing a transit station or public gathering space	No Requirement
Principal and accessory structure height, min   max. (ft.)	35   126

Comment: The Intensity and Dimensional Standards above are proposed for the following reasons:

- Block length, min. | max. (ft.) – 400 | 800 – The proposed standard is identical to the standard for residential uses within the base zone (RTO-L-E).
- Lot area, min. (sf.) – 5,000 – The proposed standard is identical to the standard for

residential uses within the base zone (RTO-L-E).

- Lot width, min. (ft.) – 50 – The proposed standard is identical to the standard for residential uses within the base zone (RTO-L-E).
- Density, min. (du/net lot area) – 20.00 – The proposed standard is identical to the standard for residential uses within the base zone (RTO-L-E).
- Floor area ratio (FAR), min. (nonresidential & mixed-use) – No requirement – The proposed standard is identical to the standard for residential uses within the base zone (RTO-L-E).
- Lot coverage, min. | max. (% of net lot area) – No requirement | 80 – The proposed standard is identical to the standard for residential uses within the base zone (RTO-L-E).
- Density, max. (du/net lot area) – 150.00 – The proposed standard is 10 du/net lot area higher than the standard for residential uses within the base zone (RTO-L-E). The maximum density proposed is similar to the actual density of similarly situated multifamily projects near the Property within the City of College Park:

Project	Actual Density (du/ac)
University View	169
The Standard	154
The Hub	232
Aspen Heights	152
Union on Knox	289

- Floor area ratio (FAR), max. – No requirement – The proposed standard is identical to the standard for residential uses within the base zone (RTO-L-E).
- Build-to line, min. | max. (ft.) – 0 | 35 – The proposed maximum standard (35 feet) is identical to the standard for residential uses within the base zone (RTO-L-E). The proposed minimum standard is 15 feet less than the standard for residential uses within of the base zone (RTO-L-E). However, the proposed minimum standard is in accordance with the minimum “build-to line” standards contained the Master Plan which are applicable to the Property.
- Building width in build-to zone, min. (% of lot width) – 70 – The proposed standard is identical to the standard for residential uses within the base zone (RTO-L-E).

- Front yard depth, min. (ft.) – 0 – The proposed minimum standard is 10 feet less than the standard for residential uses within the base zone (RTO-L-E). However, the proposed minimum standard is in accordance with the minimum side yard depth standards contained the Master Plan, which anticipates “zero lot line” development on the Property.
- Side yard depth, min. (ft.) – 0 – The proposed minimum standard is 5 feet less than the standard for residential uses within the base zone (RTO-L-E). However, the proposed minimum standard is in accordance with the minimum side yard depth standards contained the Master Plan, which anticipates “zero lot line” development on the Property.
- Rear yard depth, min. (ft.) – 0 – The proposed standard is identical to the standard for residential uses within of the base zone (RTO-L-E).
- Building façade transparency, min. (% of street-level façade area):
  - Abutting or facing a street frontage or pedestrian way – No requirement – The proposed standard is identical to the standard for residential uses within the base zone (RTO-L-E).
  - Facing a transit station or public gathering space – No requirement – The proposed standard is identical to the standard for residential uses within the base zone (RTO-L-E).
- Principal and accessory structure height, min. | max. (ft.) – 35 | 126 – The proposed standard is identical to the standard for residential uses within of the base zone (RTO-L-E).

(Exhibit 32, pp. 26-28)

(4) The revised Statement of Justification also included certain modifications deemed necessary following the Planning Board's review and the adoption of its Resolution recommending approval. These modifications are provided in Attachments (Exhibits A and A1) to its revised Statement of Justification. (Exhibit 32). In short, applicant proposes to modify the standards for retaining walls found in Section 27-6609 to validate an increase up to 16-foot-high; the minimum vehicle stacking lanes for vehicular parking area entrance driveways found in Section 27-6206; the size of off-street parking spaces found in Section 27-6305; the number of off-street loading berths found in Section 27-6310 to decrease the number since all apartment units will be

ZMA-2024-002

Page 7

furnished, reducing the need for loading berths; and, building facades, including parapets for flat roofs, found in Section 27-6903. (T. 45-47)

(5) Mr. Hamilton Reynolds, the development manager for Landmark Properties, was authorized to testify on behalf of The Mark at College Park, LLC. (T. 14) He explained why the applicant wishes to construct the Mark at the site:

I am leading the development efforts for the proposed development of purpose driven multi-family dwellings. And purpose-driven multi-family dwellings is referring to the – the fact that we're marketing primarily to – to students for our multi-family property... [W]e recently delivered the – the Standard at College Park, which is across the street. We had a great experience with Prince George's County and the City of College Park. So once this property became available, we jumped at the opportunity to develop another and continue our relationship with the city and county....

We've been working with the city and county staff throughout the design process, as well as held a community meeting in the City of College Park, City Hall, to openly discuss the project with the community....

(T. 17-18)

(6) Mr. Robert Keane, a registered architect in Maryland and several other jurisdictions, was accepted as an expert in the areas of urban planning and architecture. Mr. Joe DiMarco, a professional engineer and senior project manager for Bohler Engineering, also testified on applicant's behalf. Bohler Engineering was retained to "provide land planning, land surveying, and civil engineering service for the subject property", and Mr. DiMarco and the Bohler team prepared the Basic Plan. (Exhibits 15 and 23; T. 23) Mr. Keane was retained by the applicant to prepare the design for the subject property. Both witnesses were involved in the preparation of the original Statement of Justification and the revised one. (Exhibits 14 and 32)

(7) Mr. Keane agreed with and adopted the findings and recommendations contained in the technical staff report and in the Planning Board Resolution from an architecture and urban planning perspective, as amended by applicant's Exhibit 1. (T. 37-38) Mr. DiMarco agreed with and adopted the technical staff report and the Planning Board's resolution from a civil engineering perspective. (T. 23)

(8) Mr. Keane provided details as to why the design proposed was selected:

Our design for the project was designed at a high level as it relates to the surrounding context, scale, architectural patterns, pedestrian movement, and vehicular circulation patterns....

Not only did we carefully arrange the buildings to create safe street environments, but we also made a dramatic park-like community gathering space, which provides pedestrians with ... an accessible pathway between Hartwick Road and Knox Road....

So, ... what makes this distinctive is that ... when you put two large buildings on a site, you're not necessarily required to create what we created. So we did something that was very thoughtful. There's ... almost 30 feet of grade change between Hartwick and Knox Road. So we created an accessible path that includes ... paths, ADA ramps, sitting areas, lush landscaping , two plazas at both Knox and Hartwick. There's artwork. There's a range of vegetation. There's ... going to be wayfinding signage. There's going to be a little bike repair station. So a lot of thought went into this, and it's ... way over and above what would be required by ... the base zone....

[T]his linear park in a way ... makes meaningful connections to the University of Maryland which is across Know Road.... [T]here's a passageway, a gateway, if you will, into the historic South Campus. And ... our linear park is ... an extension of that open space system. So it makes a very meaningful connection from the lower Hartwick Road Plaza up through our linear park, up to another plaza across Knox Road....

I'm not aware of any standards [in Section 27-4303(d)(4)] that the proposed development will not satisfy pursuant to any relief provided by the Zoning Ordinance [which is not requested at this time]....

(T. 38-43)

(9) Mr. Keane also addressed the modifications requested to the development standards of the RTO base zone, as permitted in Section 27-4301(d) of the Zoning Ordinance. (Exhibits 14 and 32; T. 42-45) The proposed modifications are to the off-street parking space requirements found in Section 27-6305 (a)(pertaining to vehicle stacking space standards and the size of the parking spaces); building façade design standards found in Section 27-6903 (e) (requiring modifications to the building façade every 50 feet and parapet heights); and the removal of the requirement for public utility easements found in Section 24-4205 of the Subdivision Regulations. The reduction in parking space size reflects the standard minimum number of off-street parking spaces reduced by 50% as allowed in Section 37-4204 (b)(d), and are very similar to those provided in several multifamily dwelling developments very close to the subject property. The change in vehicle stacking standards are proposed because those in the Zoning Ordinance "speak to suburban development and ...surface parking lots" while the subject application "involves the redevelopment ... in a developed, urban, and high density location.... (Exhibit 14, p. 37)

(10) The revised Statement of Justification included the proposed public benefits to be offered if the request is approved. They include a pedestrian, bicycle, and ADA accessible greenway that provides open space and passive recreation areas along the interior facades of the proposed buildings, and plazas at the northern and southern ends (Exhibit 32, pp. 19, 47-55); the extension of Ancestors Lane along the eastern boundary of the site to meet a priority of the City of College Park and to enhance connectivity and circulation for the community (Exhibit 32, pp. 20-21, 56); a pocket park/greenspace along the eastern boundary of the property to the east of Ancestors Lane, open to the public (Exhibit 32, p. 21-22,57-58); superior architecture to that required in the Zoning Ordinance to include properly designed landscape architecture creating pleasing outdoor spaces by balancing shade and light and assisting intuitive

wayfinding, exterior lighting focused on aesthetics and safety, proper lighting throughout the site, contextual design, and use of sustainable features to benefit the environment (Exhibit 32, pp. 22-23) Mr. Keane also provided testimony describing the public benefits improvement over requirements within the Zoning Ordinance. (T. 47-73)

(11) Mr. Michael Lenhart, accepted as an expert in the areas of traffic engineering and transportation planning, testified in support of the request. Mr. Lenhart explained that A traffic impact study is not required for the instant application. Instead, there is "an assessment of what could be developed under the existing zone versus the approved or the proposed zone, and what type of impact that might have on the Master Plan of transportation." (T.80) Mr. Lenhart reviewed the basic plan's identification of general on-site pedestrian circulation systems including pedestrian and bicycle pathways and trails; the general design and layout of the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system; and provided the following opinion:

The PD zone would allow the flexibility for additional layout, design, and... density to support this plan, to support ...the number of units, as previously testified. This is a really good location. It makes sense for student housing with what surrounds it. And the flexibility that's provided would allow density that would ...allow the applicant to provide the features as ...required in the resolution, including the bicycle and pedestrian Greenway, and the connection between Hartwick and Knox [Roads]....

Knox Road is in an existing right of way of approximately 50 feet. Hartwick Road has an existing right-of-way of approximately 60 feet. Ancestors Lane,... if implemented at some point in the future, could potentially have a ... public access easement of 42 feet with sidewalks along both sides and a 24-foot two-way vehicular connection.... Consideration for a potential future Ancestors Lane connection would improve circulation in and around the area for those users that are adjacent to the site, better flexibility to get between Knox and Hartwick from a vehicular point of view, without having to go out to Route 1 or all the way down to Guilford....

The proposed bike and pedestrian Greenway will directly benefit the community and users North and South of this property. The site is well located in proximity to transit stops along Route 1, as well as University of Maryland connector shuttles....

[The proposed RTO- PD zone] ... contains [a] driveway into this site and then a potential for the Ancestors Lane connection at some point in the future if adjacent properties were to redevelop.... The Ancestors Lane connection would terminate at Knox and Hartwick roads and establish an alignment for future extensions in the area....

[From a traffic and circulation perspective] [t]he approval of this request would not adversely impact surrounding properties. [The current] zone allows a density of up to 140 dwelling units per acre we're proposing a max of 150 dwelling units per acre. That would be similar to an increase in about approximately 45 dwelling units.... [T]his is a student housing project. The traffic generated by student housing is a fraction of what would be generated by market rate housing.... [T]he increase in dwelling units, of 45 dwelling units, and associated beds, would be a negligible increase. It would be a small

increase, but it would be negligible. It would not impact the Master Plan of transportation and would not have an adverse impact on adjacent properties....

(T. 85-89)

(12) Upon cross-examination, the witness explained that at the time of preliminary plan of subdivision review, the development's traffic impact study will be reviewed based upon the traffic proposed to be generated by student housing units:

[When the certificate of adequacy is reviewed,] the trip cap would be consistent with the student housing proposal which would be less than what would be generated if this were going to be a market rate project. So that would be at least one trigger that would hold this project to student housing and not allow market rate. It would be the trip cap if they come in and say you know we changed our mind we want to do market rate housing from a transportation perspective. At least they would need a new certificate of adequacy evaluating it evaluating it as a market rate unit.<sup>3</sup>

(T. 89- 90)

(13) Mr. Mark Ferguson, accepted as an expert in land use planning, prepared a Land Planning Analysis that sedulously addressed compliance with the various provisions of the Zoning Ordinance pertinent to the Application. (Exhibit 37) He concluded that the application satisfied all applicable requirements thereby satisfying the criteria for approval by the District Council found in Section 27-3602(c). The following is a synopsis of his analysis and conclusions:

The first required finding, in Section 27-3602(c)(1), provides that the District Council shall find that the entire development is in conformance with the General Plan, the applicable Area Master Plan or Sector Plan, or any applicable Functional Master Plan.

The relevant plans ... are the 2014 General Plan, the 2010 Approved Central US 1 Sector Plan and Sectional Map Amendment, ...and a number of Functional Master Plans, including the Resource Conservation Plan (which includes the Green Infrastructure Plan), the County Master Plan of Transportation, the Public Safety Facilities Master Plan, the Historic Sites and Districts Plan, and the Water Resources Functional Master Plan....

[T]he General Plan classified the subject property in its Growth Policy Map ... in the Local Centers and Employment Areas components, [and]... the Strategic Investment Map ... places the property in the Innovation Corridor. The printed generalized future land use map... Designated this subject property for mixed-use land use. The General Plan... notes that the generalized future land use map... Should be interpreted broadly and is intended to provide a county-wide perspective of future land use patterns... dot

---

<sup>3</sup> applicant's counsel reiterated that applicant is proposing multi-family dwellings "just in terms of the criteria of approval" and agreed that the certificate of adequacy will be a limiting factor on the type of multifamily use. This distinction is due to the plan to rent by the bed, rather than the unit, similar to what was done under the prior US 1 Sector Plan. (T. 90-92)

Local Centers are described ... as focal points of concentrated residential development and limited commercial activity serving our established communities.... It is noted that the PG Atlas layer erroneously designates this subject property as being in the Established Communities component as well as the UMD Center and UMD East Local campus centers, notwithstanding the definition on page 20 of the General Plan limiting the Established Communities to areas outside of the Regional Transit Districts and Local Centers which are served by public water and sewer.... [The General Plan] describes local campus centers... as having a new housing mix of mid-rise and low-rise apartments and condos... with an average net housing density for new development of 10 to 15 dwelling units/acre....

At the time of the initial adoption of the current Zoning Ordinance..., the base R TO-L-E Zone limited the maximum residential development density to 60 dwelling units per acre. A recent bill increased the maximum density in the base... zone to 140 dwelling units per acre with the intent of supporting transit-oriented development.... In order to provide the support for the planned employment growth in the Employment Areas and specifically in the Innovation Corridor, it is necessary to provide housing in sufficient quantity, quality, and proximity to the areas where research is conducted and new jobs will be created, including the University of Maryland and the M Square research/employment area. The development of the subject property fits directly into that goal....

County policy which was promulgated after the adoption of the General Plan has furthered those policies and strategies by designating the portion of the Innovation Corridor within the City of College Park as one of the location areas suitable for implementation of the various RTO zones, whether inside or outside of a Regional Transit District....

(Exhibit 37, pp. 8-10)

(14) Mr. Ferguson next addressed compliance with the Natural Resources Element of the General Plan and noted in brief that the request: enables the redevelopment of a previously developed site and allow new residential development to happen there rather than in a greenfield; will help provide green building techniques above and beyond those required by the Zoning Ordinance; and, would allow implementation of modern regulations for tree canopy coverage. The request would satisfy several policies within the Housing and Neighborhoods Element of the General Plan since: The request enables the redevelopment of a previously developed site and will create high density housing development in a Local Center and the Innovation Corridor; and it will provide public benefits in the form of affordable housing. The community heritage, culture and design element of the General Plan has policies that will be applicable to the request. These policies are furthered by the redevelopment of a use which features large surface parking lots, and will replace the existing buildings with 'walkable, mixed-use development int two identified Local Centers. (Exhibit 37, p.11-12)

(15) The witness also noted the request's conformance with the Sector Plan:

The [Sector] Plan's... Map 8 'Approved Land Use South' designates the subject property for 'Residential High' land use. Lands abutting to the east and south are designated for mixed-use commercial land use, while the lands abutting to the west are designated for mixed-use residential land use.... 'Residential High' land use is defined by the Sector Plan as, 'detached and attached dwelling units and associated areas at densities higher than 20 dwelling units/acre'....

[T]he [Sector] Plan designates the area of the project and its surrounding properties as the Downtown College Park Walkable node, and more specifically as within the higher-density 'University' type of walkable node..., where building heights are expected to be 4-10 stories instead of two-six stories as provided for in most of the other designated walkable nodes. The Sector Plan states that 'corridor nodes are considered to be walkable nodes and are identified as desirable and appropriate locations for transit-oriented, mixed-use development at medium to high densities'....

(Exhibit 37, pp. 12-13)

(16) Mr. Ferguson posited that the request addressed several policies within the Sector Plan. The Land Use and Urban Design Policies stressing that new development along US1 be focused on walkable, compact, and mixed-use nodes, that the amount of land consumed by development in College Park be reduced by promoting compact, walkable development, and that stormwater be managed through the increased use of urban stormwater management techniques, are met by the subject properties location in one of the Sector Plan designated walkable nodes and the building form and density associated with the use will also result in compact walkable development. The Walkable Node Policies are met by the properties' location; providing larger sidewalks along Knox Road and Hartwick Road; including transparency along the ground floor of the buildings; by locating loading facilities and trash collection in alleys, and not on US1; by meeting the building height ranges thereby promoting the strong sense of place along the Central US 1 Corridor; by ensuring that primary building entrances are provided along the street; By the use of pocket parks as gathering places; by providing attractive landscaping in the walkable nodes; respecting the aviation policy areas established around the College Park Airport; by controlling the first inch of rainfall on site through modern stormwater management techniques and by utilizing environmentally sensitive design storm water techniques such as rain gardens and bioretention to the fullest extent possible; by providing the 15% minimum tree canopy coverage; and, by using extra green building techniques as a public benefit. The Transportation Policies are addressed by promoting mixed-use and transit oriented development as well as walking; by creating a greenway through the project that will link to shared bicycle roadways; by recognizing the range of skills of bicyclists and providing paths and off-street facilities to accommodate unskilled cyclists; by providing parking ratios that are generally lower than current parking requirements to encourage alternate modes of transportation, and by being located in close proximity to transit. The Parks Policies are satisfied by creating the proposed pocket park in the southeast corner of the property and the proposed Greenway through its center. The Economic Development and Revitalization Policies are furthered by providing residential high land use to support the large amount of surrounding retail space. The Housing Policies are furthered by the

ZMA-2024-002

Page 13

property's location within a walkable node and by providing student housing. (Exhibit 37, pp. 13-20)

(17) The Functional Master Plans applicable to the request are addressed by Mr. Ferguson as follows:

The subject property does not contain any regulated areas of the County's Green Infrastructure Network ...[nor] woodlands.... With regard to the Historic Sites and District Plans, no historic sites or resources are located immediately proximate to the site.... No proposed sites for Public Safety facilities are in the area affected by the subject application.... The 2009 Countywide Master Plan of Transportation as amended by the ... Sector Plan does not make any recommendations for the abutting streets except to designate both Knox Road and Hartwick Road as shared roadways for bicycles....

(Exhibit 37, p. 20)

(18) Mr. Ferguson also found compliance with the findings in Section 27-3602(c)(2) requiring the development to meet the purposes of the proposed PD Zone. He first addressed the general purposes of the Zoning Ordinance and of the PD Zones, as well, though these purposes are not strictly addressed in Section 27-3602(c)(2). (Exhibit 37, pp. 21-27) The various purposes address the protection of health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County. The witness believed that the development at this location and with this amount of density, that is aligned with the policies of the General Plan, the Sector Plan and the applicable functional Master Plans, and designed in accordance with the provisions of the County Code, will support multi-modal forms of mobility, provide adequate light air and privacy, encourage economic development activities that provide a broad protected tax base, improve the character of the residential communities in that area, prevent the overcrowding of land, provide necessary open space, and park-like setting, and not impact any regulated environmental features. (Section 27- 1300)

The request similarly satisfies the eight general purposes for Planned Development Zones since: approval of the request would allow for greater flexibility to make modifications to the intensity/dimensional standards in the base RTO-L Edge Zone which will allow designs that provide multi-modal forms of mobility; applicant can make modifications to certain development standards in Part 6 to facilitate a comprehensively planned design; applicant can request the uses it would like to include; applicant will utilize the existing appropriately-sized street network and will also work with the City to extend Ancestors Lane; the design will conform with the scale and character of the surrounding uses; the proposed internal parking garage, greenway connecting Knox and Hartwick Road, and close proximity to the University will improve community facilities and enhance the functionality of vehicular access and circulation; there will be no impact on identified natural/scenic/man-made features as none are located on the site; and additional public benefits are proposed that will further protect and advance the public health, safety, and welfare. (Section 27-4301(a); Exhibit 37, pp. 24-25)

Section 27-3602(c)(2) requires the finding that the Application meets the ten purposes of the RTO-PD Zone set forth in Section 27-4303(d) of the Zoning Ordinance. The witness found compliance with these purposes because: its design and contribution to the resident base in an area proximate to the University of Maryland and several transit stations will both support these alternate modes of travel and support pedestrians/bicyclists access to Knox and Hartwick Roads; the higher permitted density will increase residents in this area within a Local Center/Innovation Corridor/Walkable Node and next to a renowned University and retail, and this should support employment growth and development; the request provides access to adjacent streets and several transit options; the high residential density requested should provide the critical mass of densities needed for intense, transit-supportive/accessible development; the density and public benefits proposed should support a dynamic live, work, shop, play environment; the addition of more residential density in an area that already is determined to have sufficient surrounding commercial and institutional uses should result in a well-integrated mix of complementary uses; the proposed greenway and future extension of Ancestors Drive will provide and prioritize multiple safe vehicular, bicycle, and pedestrian connections; the request adds two buildings, open spaces, and other site features that create an inviting, walkable environment and an engaging public space that together provide a sense of place; and, an affordable student housing option will be added to the range of housing in the area.

(19) Section 27-3602(c) (3) requires that the District Council find that the entire development satisfies all applicable standards of the RTO-PD Zone found in Sections 27-4301(d)(1)-(4), and 27-4303(d)(2)-(4). Mr. Ferguson meticulously reviewed and addressed each of these on pages 27-44 of his Land Planning Analysis. (Exhibit 37) His testimony provided further support as to his opinion that these standards have been satisfied, but also noted the need for applicant to further amend the Basic Plan:

[T]here is a list of standards in [Section] 27-4301(d)(1) which says the basic plan shall. And then it has a list of things a through o. And consistently those things are either on the basic plan, or in a Statement of Justification, or ... whatever.... [T]he applicant ... didn't offer any conditions of approval, which ... they subsequently did....

I do find that all of the information that's asked for by this standard of [Section] 4301 (d)(1), or the standard for the conditions of approval in [Section] 4301(d)(4), is here in the application. So I don't think that if it's not in the place that's provided for in the Ordinance, that that is a mirror material departure.... I will note that some of the standards are not correct on the basic plan that is in the record. So that will... be amended. None of the standards have a material impact on your findings. All of the information... is presented in the applicant's Statement of Justification. But again, we need to have a correct record...for the future. And that will include addition of the statement of which of the allowable uses are allowable in this zone. And then certainly the record of what are the modified standards, whether it's to the intensity and dimensional standards, or to the part 6 standards to be applicable to this project. And I believe that those ideally should be on the basic plan document itself....

Student housing is not a use, a distinct use on the use table, so as far as the provisions of the Ordinance go, this use is multifamily housing. That having been said, it's

ZMA-2024-002

Page 15

absolutely the intent of the applicant to constrain the people to whom this use will be marketed. And that speaks to, I think, the intent of the Sector Plan, not just the market.... And as Mr. Lenhart testified, that will be captured by the certificate of adequacy, if not actually by... the use on the basic plan....

So the applicant is proposing to modify the maximum density from 140 to 150. It's proposing to modify the build- to lines so that it can conform to the surrounding development and the... intent of the Sector Plan. It's proposing to modify the transparency requirement, from no requirement to really impose a transparency requirement, as part of its superior design. And then it's proposing to modify a number of standards in Part 6 [of the Zoning Ordinance]. These standards regard several areas. Number one is parking, loading, circulation as one group. Secondly, building form. And 3rd, retaining walls for the eastern boundaries of the property and I believe there may be some on the western boundary as well.

The Zoning Ordinance has some very prescriptive requirements. And ... this application does allow for ... blindly prescriptive requirements to be treated in a site-specific planned manner. And given that the Sector Plan is seeking the kind of high-quality development and redevelopment, such as what is proposed, .... [these] modifications really speak very specifically to the intent of the Sector Plan....

The reduced parking and loading requirements are very specifically an implementation of one of the Master Plan policies of the transportation element that looks at reducing parking to an amount where it's appropriate for its use in location. And given the character of the student population, the proposed leasing to that student population, and to the abundance of transit and other circulation modes, pedestrian and bicycle use, certainly. There's a lot of proximate transit nearby.... So certainly by foot and absolutely by bike, there's just a real richness of transit accessibility here.... This is just a really richly transit accessible area, for which this kind of development and the accommodations that are being proposed are absolutely appropriate.... I do find that the modifications proposed are... in keeping with the purposes of the zone and the intent of the Sector Plan. One of the other standards is that public benefits be included. I think there's really no need for me to replicate Mr. Keane's testimony about the sufficiency of their conformance to the requirements for quantifiability, and benefit to the larger neighborhood....

So, the Ordinance allows you to modify... one of the sections of the subdivision regulations regarding public utility easements.... [and] ...that's actually one of the modifications requested. It allows you to modify provisions of part 6 of the Zoning Ordinance. It allows you to modify the intensity and dimensional standards of each zone. But it doesn't specifically allow a basic plan to modify the other standards which again I described per each zone. I discussed those at the last part of my report from pages 40 through 44. So some of those standards include the locational standards. Where can you apply this zone? The answer to that is in two places only. Number one in regional Transit Districts, but then also within the Innovation Corridor, within this portion of the City of College Park....

There are other standards for private sidewalks and private streets. And one of those standards is that sidewalks shall be at least 15 feet wide along street frontages in the core area, and at least 10 feet wide in the edge area. The Zoning Ordinance does not grant the authority for this approval to have the basic plan modify any of these other

standards. Because they are located on private sidewalks and private streets, Hartwick and Knox Road are public. And so it doesn't really apply to them. Certainly there is a recommendation in the Master Plan for sidewalks of 6 to 10 feet... and what has been provided for instance in the abutting Terrapin Row... development and the Standard across the street is sidewalks that are in conformance with that Sector Plan standard. And this plan seeks to continue that established streetscape pattern. It is not known at this time whether Ancestors Lane will be a public street or a private street. So, if it is a public street, there would likely be a desire not to have a 10-foot sidewalk along Ancestors Lane, and the ordinance does not give you the authority to waive that standard. However, there is a provision in Section 27-3613-(b)(1)(b) which explicitly grants the approving authority, which in this case would undoubtedly be the City of College Park if they have municipal authority under the new ordinance....

My finding is that... the development will, with the modifications, meet the standards of the zone, of planned development zones, generally. I do find that ... the public benefits in the form of the greenway, in the form of the architecture of the building, in the form of the pocket park, would... amply exceed any benefit that the applicant receives in return....

I certainly think that in this case, the public benefits are... appropriate and are related to the project and... do represent a... substantial benefit to the public, in terms of the quality that is sought ... in the Sector Plan and the General Plan.... This development is simply reproducing what... surrounds it. And it is a complementary use... [in] scale [and in] ... form .... In my opinion, it ...absolutely does [satisfy all the decision standards so as to justify rezoning the subject property from the RTO-LE Zone to the RTO-PD Zone...]

(T. 114 -132)

(20) Mr. Anthony J. Clark, an attorney whose practice focuses on community associations and condominiums, prepared a memorandum (Exhibit 40) and testified about the impact of the Maryland Condominium Act on compliance with public ethics disclosure requirements:

Condos in Maryland, the entities themselves, are not required to file articles with SDAT. So we won't actually be able to get a good standing certificate from SDAT because there's no actual filing for the entity.... This is typical in older communities like this.... [T]he association itself does not own title to the ground. It acts on behalf of the fee simple title owners of each unit, and those unit owners have an interest in the common elements of the building. So... the unit owners are the title owner and the association may, on behalf of its owners, file the affidavit....

Furthermore, the bylaws for the association ... as well as the Maryland Condo Act ... [authorizes] the board of directors ... to act upon the best interests of the condo, as well as the unit owners within the condo.... The president, who's ... serving as the chief executive of the condo, has authority [to execute the required ethics affidavits on behalf of the unit owners.] Exhibit 18 [an individual entity affidavit signed by the president] ... is an individual entity affidavit. The business affidavit will be signed and further filed, so that it's not the individual. Rather, it's the association filing on behalf of the owner.

(T. 142-146) Upon cross-examination by People's Zoning Counsel it was clarified that Mr. Clark provided testimony under an abundance of caution since it has not been the District Council's practice to require individual owners to file an ethics affidavit. (T. 150)

**Agency Comment**

(21) The Department of Permitting, Inspections and Enforcement ("DPIE") provided a memorandum that noted the property is currently designated within Condo Phases I and II in Water and Sewer Category 3 inside the Sewer Envelope, in the Growth Tier, and within Tier I under the Sustainable Growth Act and planned for public sewer service. It explained that water/sewer line extensions or onsite systems may be required to serve the development, if approved. (Exhibit 31, Backup p. 85)

(22) The Health Department "completed a desktop health impact assessment review of the zoning map amendment site plan submission ... and does not have comments or recommendations at this time." (Exhibit 31, Backup p. 86)

(23) The City of College Park voted unanimously to support approval of the request, subject to the following conditions:

1. SUPPORT the five requested modifications from the RT0-L-E base zone with conditions:
  - a. Increase Maximum Density from 140 dwelling units/net lot area to 150 dwelling units/net lot area with the condition that the lesser of 200 beds or 10% of the total number of beds shall be designated as moderately priced.
  - b. Reduce Minimum Front Yard Depth from 10-feet to 0-feet with the condition that the Sector Plan streetscape requirements are met.
  - c. Reduce Minimum Side Yard Depth from 5-feet to 0-feet with the condition that adequate light is provided to the affected dwelling units and all fire safety standards are met.
  - d. Reduce Minimum Vehicle Stacking Distance for vehicular parking area entrance driveway from 115-feet in depth to 50-feet in depth with the condition that the Developer provide a "traffic controller" to sufficiently facilitate operation during move-in/out days.
  - e. Reduce Minimum Off-Street Parking Spaces from 1.0 space per dwelling unit for studios and 1-bedroom units and 1.35 space per dwelling units for larger units to 0.5 spaces per dwelling units for studios and 1-bedroom units and 0.675 spaces per dwelling unit for other unit types with the understanding that students living in The Mark shall not be eligible for on-street permit parking.
2. Prior to Preliminary Plan of Subdivision Approval:
  - a. Provide 6 to 10-foot wide sidewalks along Knox Road and Hartwick Road, allowing space for landscaping, street trees, and pedestrian street lights. Identified in the City of College Park Bicycle and Pedestrian Advisory Committee (BPAC) report (see Attachment 3) as recommendations (1) and (2).

- b. Comply with Section 24-4600: Parklands and Recreation Facilities on-site, no fee in-lieu.
- c. Prior to submission of the Bicycle and Pedestrian Impact Statement (BPIS), review the relevant recommendations proposed by the City Council and the City of College Park Bicycle and Pedestrian Advisory Committee (BPAC) (see Attachment 3). These recommendations should be included in the BPIS. These are listed in order of priority up to the BPIS cost cap:
  - i. Install raised crosswalks at key locations, including:
    - 1. In front of the Delta Sigma Phi/Dunkin' crosswalk on Knox Road and paint additional crosswalk.
    - 2. In front of 4301 Hartwick Road and adjacent intersection.
    - 3. Other crosswalks on Knox Road and Hartwick Roads, as needed.
  - ii. Create Artistic Crosswalks: "Commission artists to paint intersections and crosswalks in ways that reflect community visions and values in conjunction with installation of appropriate traffic calming/road narrowing elements, such as flexposts" (image provided in the BPAC report, p. 4). "Either in conjunction with [item 1.i], or separately, as appropriate. In particular, the subcommittee advocates for these changes at the following locations:
    - 1. 4305 Knox Road, in front of the Dunkin' and Delta Sigma Phi Fraternity House.
    - 2. 4301 Hartwick Road.
  - iii. Extend curbs within the study area and add "Stop for Pedestrians" signage in particular at the following location: 4301 Hartwick Road.
  - iv. Paint sharrows on Hartwick Road between Route 1 and Guilford Drive.
  - v. Extend east-west bicycle paths between the University and the Trolley Trail.
- d. Front yard setback modification is supported with the condition that all streetscape requirements required in the US Sector Plan are complied with, similar to what was approved for Terrapin Row.
- e. Side yard setback modification is supported with the condition that adequate light is provided to the affected dwelling units and all fire safety standards are met.

3. Prior to Detailed Site Plan Approval:

- a. Demonstrate environmentally sensitive building design and use at least three green building techniques. Consider providing storm water amenities such as but not limited to permeable pavements, rain gardens, green roofs, storm water planters and vegetated swales above storage vault underneath the streets.
- b. Include street furniture in the plaza, including benches for seating, waste receptacles, pedestrian-scaled lighting.
- c. Screen all mechanical equipment from public view to enhance the streetscape and appearance of the building.

- d. Submit a tree preservation plan, per Section 25-121 (e) (3), that shows that 15% of woodland conservation is met on site.
- e. Show compliance with the College Park Tree Ordinance.
- f. Submit approval from FAA/MAA regarding the height of the buildings since the property is located in the Aviation Policy Area (APA)-6.
- g. Comply with proposed County EV standards.
- h. Provide a VEO-Ride Hub.
- i. Show at least 2 Ride Share/Food Delivery designated spaces in the parking garage.
- j. Include a note on the DSP that the residents of the development will not be eligible for permit parking.
- k. Prior to the City supporting the DSP, the applicant and City shall sign an Agreement and Declaration of Covenants that at a minimum has the following provisions listed below. To ensure effective implementation and ongoing compliance, staff recommends that the 'mutually agreed-upon criteria' be clearly defined and incorporated into the Declaration of Covenants. This will provide a transparent framework for determining eligibility and minimize potential disputes.
  - 1. The applicant shall designate the lesser of 200 beds or 10% of the total number of beds as moderately priced housing with eligibility tied to students eligible to receive partial Pell Grants, who are active duty military or whose household income does not exceed 80% of the Area Median Income (AMI). An agreement between the City and the applicant shall be written, which may at a minimum include the following provisions, with exact details to be determined in collaboration with the Developer, to be included in an Agreement and Declaration of Covenants to be signed by the Developer and City prior to the City supporting the Detailed Site Plan:
  - 2. Moderately Priced Housing Designation & Pricing
    - a. The lesser of 200 beds or 10% of the total number of beds shall be designated as moderately priced.
    - b. Eligibility shall be determined based on Pell Grant eligibility, Veteran status, active duty military, and/or mutually agreed upon criteria based on economic need.
    - c. These beds will be in our 4 bedroom 2 bathrooms units, which are spread throughout the project.
  - 3. Rent shall be set with at least a 30% reduction from market rate per bed, based on comparable configurations in the College Park student housing market. Marketing & Leasing
    - a) The applicant shall provide an Affirmative Marketing Plan detailing outreach strategies, advertising methods, and application procedures to ensure eligible students are aware of the opportunity to lease these beds.
    - b) Leasing shall be available on a first-come, first-served basis throughout the year, with vacant moderately-priced units promptly re-leased through the outlined process.

- c) Beds shall be interspersed throughout the development to ensure all residents enjoy equal access to amenities.
- d) Moderately-priced beds will be made available to lease in September of the prior academic year. In the event that the moderately-priced beds have not been leased for the following academic year by February 1, said beds will be made available to all applicants at market rate through August of that year.

4. Project Schedule & Availability

- a) The applicant shall provide a Project Schedule indicating when moderately-priced beds and units will be available for rent.

5. Additional Considerations:

- a) All beds shall be fully accessible to all regardless of race, color, religion, national origin, sex, familial status, and handicap.

(24) The Maryland-National Capital Park and Planning Commission Planning Board's ("Planning Board") Zoning Section reviewed the five (5) conditions (with subparts) recommended by the City of College Park, and provided comment as paraphrased below:

**[Comment on City condition 1(a)-(e)]**

The staff report recommends approval of a maximum density of 150 dwelling units. [The pricing of the units] is a separate agreement between the applicant and the City, along with other occupancy stipulations, and should be addressed separately....

The staff report recommends approval of a minimum 0-foot front yard depth. The streetscape [requirements] will be determined at the time of detailed site plan.....

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

The staff report recommends approval of the vehicle stacking distance [suggested by the City]; [notes that] the applicant proposes all units to be fully furnished [thereby reducing need] for parking of oversized vehicles; [and believes the] requirement for a 'traffic controller' ... may be addressed by an agreement between the City and the applicant....

The staff report recommends approval of [the parking space] modification ... [but] the eligibility of parking permits is under the ... authority of the City and may be enforced by them.

**[Comment on City condition 2(a)-(e)]**

The applicant has requested modification of the standards for sidewalk widths, as set forth in Section 27-4303(d)(4) of the Zoning Ordinance, which meets the width specified in this proposed condition. Further details of bicycle and pedestrian facilities and

ZMA-2024-002

Page 21

streetscape elements will be evaluated with the preliminary plan of subdivision (PPS) and DET, to ensure compliance with established standards....

provide significant public benefits to obtain a PD ZMA approval. Public benefits are defined as "superior features in a Planned Development zone that benefit the surrounding neighborhood, or the public in general, to a significantly greater extent than would likely result from development of the site under a base zone," and subject to further criteria laid out in Section 27-4301(d)(1)(P). The applicant has proposed recreation features contained in the proposed open space set-aside areas as public benefits, per Section 27-4301(d)(1)(P). As a public benefit feature proposed to gain approval of this PD ZMA, these features must be above the normal requirements of a typical development application and outside the requirements of Section 24-4600 of the Subdivision Regulations, which will be applicable at the time of PPS. Accordingly, the applicant should satisfy the requirements of Section 24-4600 without inclusion of the recreation features proposed as public benefit features. Other options to satisfy Section 24-4600 include land dedication and fee-in-lieu. Staff, therefore, find that the restriction of the use of a fee-in-lieu is not appropriate both because it is allowed by the Prince George's County Code and because it may be the only remaining feasible option to satisfy Section 24-4600. Nonetheless, the determination of Section 24-4600 is not applicable at the time of ZMA....

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

Staff supports this recommendation....

[Comment on City condition 3]

The staff report includes a recommended condition (Condition 2) that the applicant adopt green building techniques, to an extent as to earn at least eight points in the scoring system specified in Table 27-61603(b) of the Zoning Ordinance. Any equivalent number of techniques to this many points would exceed the City's requested number of techniques. Staff support the stormwater management considerations recommended by the City, which are also part of the selection options of green building techniques that are conditioned, but note that approval of the stormwater management plan is under the authority of the Department of Permitting, Inspections and Enforcement....

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

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

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

ZMA-2024-002

Page 22

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

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

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

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

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

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

[There was no Comment on City condition 4]

[Comment on City condition 5]

The purposes of the Declaration of Covenants and Agreement recommended by the City are not germane to the criteria for approval of a ZMA, and so staff does not recommend its inclusion.[ However, accessibility of the units/beds may be address in ] a private agreement [between the City and the applicant.] There is no basis for the Planning Board or Prince George's County to be the authority to enforce such an agreement.

(Exhibit 32, Backup pp.8 -15)

(25) The Planning Board's Environmental Planning Section provided a detailed comment. In summary it noted that there is an approved Natural Resources Inventory (NRI-115-2024) for the site, and the site does not contain any woodland or regulated environmental features ("REF"). The NRI identified two specimen trees on the site, which will be evaluated in conjunction with future development applications.

The project is subject to the county's Woodland and Wildlife Habitat Conservation Ordinance and environmental regulations found in Subtitles 24, 25, and 27 of the Prince George's County Code. The woodland conservation and afforestation thresholds will remain at 15% if the request is approved. All future development applications will require tree conservation plans and the woodland conservation afforestation thresholds must be met on site.

Section 27-3605C of the Zoning Ordinance requires an approved stormwater management concept brand and approval letter to be submitted with the application. This concept plan will be reviewed by the Department of Permitting, Inspections, and Enforcement (DPIE).

The predominant soils found to occur include Urban land- Christiana- Downer complex. Christiana clay is mapped on the site, but no geotechnical issues have been identified at this time.

Erosion and sediment control will be addressed at the time of Detailed Site Plan review, along with the TCP2. The TCP 2 will reflect the ultimate limits of disturbance for the installation of permanent site infrastructure and for the installation of all temporary infrastructure. The latter includes erosion and sediment control measures.

(Exhibit 32, Backup pp. 68-76)

(26) The Planning Board's Historic Preservation Section noted that there are currently no known archaeological sites located on the site, and the probability of archaeological sites on the property is low. Therefore, an archaeological study is not recommended. (Exhibit 32, Backup p. 55)

(27) The Planning Board's Transportation Section stated that a full traffic study will be required upon the review of the Preliminary Plan of Subdivision and Detailed Site Plan. Neither Hartwick nor Knox Roads is designated as a Master Planned road within the Master Plan of Transportation ("MPOT"), but both have 50-foot rights-of-way, which staff find acceptable." (Exhibit 32, Backup p. 78) It cited several policies within MPOT – all reinforcing the need for multimodal forms of transportation. It commented that Knox Road is currently improved with sharrows (shared road markings), a bicycle lane, and signage, and recommended that Hartwick Road also be improved with sharrows and signage with future applications. It concluded as follows:

The submitted site plans include the general pedestrian, bicycle, and vehicular circulation on site. The development proposes one vehicular access along Hartwick Road. Pedestrian and bicycle facilities and designated pathways are proposed along Hartwick and Knox Roads.... Hartwick and Knox Roads are planned and existing shared roadway facilities. The planned and recommended facilities and amenities will integrate the development with the adjacent properties and master-planned facilities. That bad dot the development proposes utilizing existing roadways. However, as part of the public benefit aspect, the extension of Ancestors Lane is proposed to facilitate future connections to the adjacent properties.... Staff find that transportation facilities as well as pedestrian and bicycle facilities within the proposed application are consistent with Section 27-3602....

(Exhibit 32, Backup pp. 77-80)

(28) The Planning Board's Department of Parks and Recreation ["DPR"] noted that the Sector Plan and the Formula 2040 Functional Plan for Parks, Recreation, and Open

Space recommend the provision of outdoor recreational space, new trails, paths, and unique facilities. It also conducted a field visit to the site with City of College Park staff where the City staff "cited a need for path/trail connections between the ... development site, and a future road connection between Hartwick Road and Knox Road ... [and stressed] the importance of [having] the [proposed] promenade ... mirror the promenade at the adjacent Terrapin Row development." DPR concluded by noting "the public benefit features in [applicant's] Statement of Justification [supports the City's]request [since it] addresses the stated open space and connectivity needs of the City... [and] DPR supports the proposal." (Exhibit 32, pp. 83-84)

(29) The Planning Board's Subdivision Section stated that a Preliminary Plan of Subdivision and a certificate of adequacy will be required following approval of the instant requeststreetIt also urged that applicant "demonstrate how the proposed public benefits exceed the improvements required for public facilities adequacy and Master Plan conformance." (Exhibit 32, pp. 81-82)

(30) The Technical Staff stated that it had not received any written correspondence or direct communication from members of the public regarding the Application. After considering all materials submitted and agency comments, the Technical Staff recommended that the request be approved with conditions. (Exhibit 32)

(31) The Planning Board prepared a resolution recommending conditional approval (PGCPB No. 2025-038) for the reasons noted by applicant and the Technical Staff. (Exhibit 26) The Planning Board is charged with ensuring that certain preliminary information, found in Sections 27- 3602, is provided by the applicant. It provided a thorough discussion of that Section, and the others referenced therein, and I adopt its findings and recommendations, except where stated otherwise. The following is a synopsis of the Planning Board's recommendation:

Section 27-3602(b)(7)....

The subject application conforms to the planned development decision standards found in Section 3602(c)....The application conforms to Plan 2035, which considers the site to be in the Innovation Corridor, the priority area for the most intense development in the County. The application meets the standards of the Sector Plan, which considers the site to be in the Downtown College Park Walkable Node, a priority area for dense, walkable development. The application meets the purposes of the RTO-PD Zone, which calls for dense, walkable development with access to transit and activity areas....

The site is currently zoned RTO-L-E. Prior to the Countywide Map Amendment, it was zoned Multifamily High Density Residential, also lying in the Sector Plan's development district overlay. The current zoning allows for all residential dwelling types at high intensities and mixed use, but with a cap on residential density that the applicant wished to surpass.... The applicant's justification for the approved rezoning was the need for increased density to meet the priorities of the Sector Plan and Plan 2035, and to be harmonious with and beneficial to surrounding uses. As discussed in Plan 2035 and the Sector Plan, the Planning Board agrees that the property lies in multiple areas designated for the most intense, dense development in the County, being near major

ZMA-2024-002

Page 25

activity centers and high-capacity current and future transit services. The Board also concurs that the proposed development is generally appropriate for the context of surrounding uses and harmonious with them, as typical residents will be students able to walk to the UMD campus with minimal routine need of a car and the space it requires, and similar student housing is developed with similar density and in a similar style in close proximity.... The RTO-PD Zone will not negatively or adversely affect the subject property or the surrounding neighborhoods ... [since it] is bounded by high-density residential development similar to what was approved with this ZMA....

While it is possible to develop multifamily housing in the RTO L-E zone without rezoning the property, the surrounding developed uses were constructed under the prior Zoning Ordinance and were permitted to develop at a higher density. Therefore, the development will be harmonious with the neighborhood and will provide public benefits as proposed and recommended herein. The pedestrian promenade, sidewalks, and block layout will also serve to improve pedestrian circulation and aesthetics of the neighborhood. The promenade should be well landscaped, designed to continue a campus footpath to the north through this site, and framed well by the two high-rise buildings. The change in parking layout, from a surface lot dominating the site to a hidden interior structure is also an aesthetic and safety improvement for the site and surrounding neighborhood in its framing of a more complete streetscape in conjunction with existing buildings. The limited access points to the garage will create a more orderly vehicular circulation with fewer conflict points with pedestrians. Increased density is envisioned as contributing to a greater orientation toward transit and more pedestrian and bicycle travel....

The project meets the general purpose of plan development zones... As discussed below common and the purposes of the RTO- PD zone.... The project will facilitate pedestrian and bicycle travel through the interior of the site and contribute to a pedestrian- oriented streetscape.... The project will increase density in an area designated as a walkable node, as prescribed. The project will allow growth and better match the design of surrounding newer developments. The approved rezoning contributes to the benefits of density in particular....

The buildings are of a similar scale and design to those in neighboring developments.

The project includes bioretention devices for on hybrids site storm water retention. This project will be subject to the counties stormwater management (SWM) requirements and reviewed by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)....

#### General Plan

Plan 2035... recommends directing as much future growth as possible to and maximizing density in designated Transit Districts and the Innovation Corridor, as delineated on a Growth Policy Map, places the site in both of these designated areas. [It also] designates the site with the 'Residential High' future land use type. The project maximizes density in these appropriate areas and conforms to the description of its future land use type, thereby, furthering the purpose of Plan 2035....

The application to rezone the subject property from the RTO- L-E Zone to the RTO- PD Zone aligns with and furthers the purposes of the Zoning Ordinance by allowing a greater flexibility in design standards to provide public benefits which in this case will

improve pedestrian circulation and create public spaces. It also furthers the purposes of Plan 2035 and the Sector Plan, in concentrating development at a high density in a walkable node....

**Sector Plan**

The Sector Plan recommends residential high... land use on the subject property. The Sector Plan defines residential high land use as detached and attached dwelling units and associated areas at densities higher than 20 dwelling units/acre. The approval to replace two existing multifamily buildings with two new multifamily buildings is consistent with the recommended land use.... All corridor nodes are considered to be walkable nodes and are identified as desirable and appropriate locations for transit oriented, mixed-use development at medium to high densities....

The project is in the 'Downtown College Park' walkable node, meets the recommended density, and is located close or adjacent to transit stops....

The project includes a more pedestrian- oriented access across the site with the pedestrian promenade and extension of Ancestors Lane. The site is close to existing and future stops for multiple modes of transit. However, the basic plan does not include a mix of uses aside from recreational features or on street parking.... The height, scale, and design of the project will match existing abutting residential development, complement adjacent business and institutional uses, and accommodate growth in a manner sought by this plan....

The approved project meets the urban recommendations specific to the downtown College Park walkable node..., in providing multi story residential development, promoting a high degree of leisure activity serving the university, and being structurally parked. The only shortcoming regarding this section is the lack of commercial uses planned....

The project includes two plazas. Specifically, the pedestrian promenade is designed as a pedestrian route and connected to adjacent sidewalks and campus footpaths.... The approved project is oriented to pedestrian use and promotes pedestrian safety, linking up to surrounding pedestrian networks and creating new internal pedestrian connections. The project will also be served by immediately-adjacent to nearby transit options in nearly all modes - bus, metro, and future light rail.... The purposes of the RTO- PD zone are provided in section 27-4303 (d)(1), in which the application demonstrates conformance by providing vibrant, high density development, appropriate maximization of housing development in a priority area, walkable and bicycle and transit-accessible development, optimum density to support transit viability and local economic inactivity diversity, bicycle and pedestrian access priority in design, and inviting, distinct and safe public space....

The applicable standards of the R-PD zone are the intensity, dimensional, and use standards..., which are found in sections 27-4303(d)(2) and (d)(3) of the Zoning Ordinance. All standards are shown on sheet C-1 of the proposed basic plan....

Per section 27-4303-(d)(2), there's specific uses allowed in an individual's RTO- PD zone shall be established in the PD basic plan. The multifamily dwellings are a permitted use the use is also consistent with the recommended land uses in Plan 2035 and the Sector Plan.

The intensity and dimensional standards for the RTO- PD Zone are found in Section 27-4303 (d)(3) and are to be established with the PD basic plan. All standards are shown on the basic plan. Standards include the minimum density, maximum density, net lot area, lot width, lot coverage, and structure heights.

Additional standards are provided in section 27-4303-(d)(4) of the Zoning Ordinance.... The property is located within both the Purple Line Regional Transit District and the portion of the Innovation Corridor designated as appropriate for the requested rezoning.... The applicant cites observations of plentiful commercial activity within walking distance of the site and unfavorable trends in market demand for retail as well as feedback from the community during a pre-application neighborhood meeting that did not favor commercial uses on the site in justifying a considered elimination of commercial uses in the basic plan. The basic plan does not include any commercial uses on the site. The ... development includes a recreational component in the pedestrian promenade....

[Although] [c]ommercial was not proposed in the approved basic plan... any commercial added should be integrated into a vertical mixed-use development. If added, commercials should be at ground level and should be oriented toward the street and open space of the development....

This project is a redevelopment of a site that is part of a much larger block that extends from US1 to Guilford drive. The project will include a pedestrian promenade that will divide the site into smaller more walkable areas.... The extension of Ancestors Lane, on the east side of the property, was the only proposed street that would require future dedication by the property to.... In the short term, it will provide access to the parking structure. When finished, it will terminate at Knox Road to meet this standard....

All sidewalk standards will be satisfied by the project, except for width, which will be 6 feet rather than the prescribed 10.... The applicant states that internal and external pedestrian, bicycle, and vehicular connections are maximized, to the greatest practicable extent.... The central pedestrian promenade and future extension of Ancestors Lane will improve circulation on, through, and around the site for all modes of transportation. This Statement of Justification... shows representative architecture that will follow surrounding architectural schemes, and the general site layout that will define the proposed pedestrian promenade and streets to the north and south. The basic plan is in conformance with edge requirements. The design will be refined at the time of detailed site plan.... Regarding parking standards, parking will be hidden within the interior of the site, in two structures, in line with the standards of the zone.... Regarding transparency standards, street level facades will be designed to allow views of interior spaces, with higher transparency than minimum standards for the zone....

The approved plan includes an interior pedestrian promenade running north to south, between the two proposed residential buildings. The promenade will provide a range of formal and informal spaces such as a hardscaped plaza, and a more naturally landscaped green, both configured as gathering spaces with the southern plaza being more formal and the north landscape area less formal. The two envisioned gathering spaces, and the variously landscaped pedestrian paths connecting them, will be framed strongly by the proposed high-rise buildings... The plan also includes a small park at the southeastern corner of the site, bounded by the proposed Ancestors Lane extension and

an abutting shopping center retaining wall....[A]pproval was conditioned to ensure public access to this park....

The approved development will not adversely affect the surrounding properties.... [T]he immediate vicinity of the site includes a busy shopping center and UMD, both intense uses which would benefit from increased customer, student, and employment bases within walking distance. The site is also directly bordered on the remaining sides by residential redevelopments of similar to greater intensity, and the project will complement them in a more attractive framing of surrounding streets, among other functional and aesthetic benefits. [W]hile neighbors expressed some concern over increased vehicular traffic impacts at the pre-application neighborhood meeting, the applicant has included safety measures surrounding vehicle access in their proposal, and a traffic study will be performed during the PPS....

Public benefits... are defined by Section 27-4301(d)(3)(a) of the Zoning Ordinance as 'superior features in a Planned Development Zone that benefit the surrounding neighborhood, or the public in general, to a significantly greater benefit than would likely result from development of the site under a base zone'..... [The] Zoning Ordinance contains a non-exhaustive list of ways for exhibiting public benefits. Public benefits are required to significantly exceed what would be required if the project were developed under the base zone.... Public benefits should generally be commensurate with the benefit to the applicant of the planned development zoning. They should not include any public improvements that will otherwise be required by the applicant to obtain other development approvals....

[The applicant will provide the following architecture/design techniques as public benefits:] fenestration of the street-facing facade of the ground floor [that exceeds] 25%, above the required 15% under the base zoning[;] green building standards criteria [that will] earn at least eight points under the scoring system..., above the required 4 points under the base zoning[;] 204 bicycle parking spaces, above the required 104 spaces under the base zoning[; and,] 12.5% of the area of the site as open space for the proposed pedestrian promenade, above the required 7.5% under the base zoning.... The applicant has specified several elements to be included in the pedestrian promenade, as required by condition 5 of this resolution.... The northern end of the promenade, or greenway, will be located across Knox Road, from a footpath leading into the UMD campus. The promenade will be an extension of the university and College Park pedestrian network, to make the area more walkable. The northern and southern ends of the promenade feature small plazas- a larger more formal, hardscaped one along Hartwick Road with tables and chairs and a smaller one consisting of landscaping, shade trees, and informal seating, along Knox Road. Both ends of the promenade will feature bike racks and bike ramps as part of the stairways. The applicant has specified several elements to be included in the pedestrian promenade, as required by Condition 5 of this resolution....

The Planning Board supports the following considerations at the time of DET: the applicant should orient amenities, access points, and balconies towards the pedestrian promenade to further activate it. The buildings and the pedestrian promenade should create a design centered around a theme or one that is cohesive. The Board suggests making this a gateway to the University, providing wayfinding signage and lighting that acts as both public art and architectural interest and wayfinding towards the University....

The applicant notes the City of College Park's priority ... for an extension of Ancestors Lane.... The Planning Board did not allow consideration of the extension of Ancestors Lane as a public benefit under Section 27-4301(d)(3)(B), as the street is already required per Section 27-6206 of the Zoning Ordinance, which provides standards for block length. The board notes that a dedication of this corridor would be required for any development of the property to the north, and the applicant is not currently in a position to provide this, as they do not own this slot....

The applicant will establish an area of the property to the east of Ancestors Lane as a public pocket park. A retaining wall on the abutting shopping center property frames the site of the proposed pocket park. The applicant has specified several elements to be included in the pocket park.... The pocket park will feature at least the following elements:

- one piece of public artwork,
- a beehive, a little free Library, and/or a little free art gallery
- one bench or seating area
- a pollinator garden
- one wayfinding sign....

The applicant will provide several architecture and design features with collective characteristics significantly above the requirements of the base zoning.... Combined, the enhanced design features, promenade, and pocket park meet the minimum requirement for enhanced public benefits, to grant the additional density proposed with this development. At the time of DET, the applicant will need to show a cohesive design that uses architecture and open space features to strengthen the design and relationship to the university and College Park, as a whole.

(Exhibit 26, pp. 6-23)

(32) The Planning Board provided a detailed analysis of the application's fulfillment of the purposes and standards for all Planned Development Zones (Sections 27-4301(a) and (d)), the specific RTO-PD Zone (Section 27-4303 (d)), and the applicable development standards for this use found in Part 27-6 of the Zoning Ordinance.

(Exhibit 26, pp.23-39) The Planning Board generally found that all applicable purposes and standards were met or will be if its recommended conditions are satisfied. It did not agree with the proposed modification to the public utility provision since it seeks to modify a provision of the Subdivision Regulations. The language in Section 27-4301(d)(2) should be interpreted to require that an applicant seek a waiver of this requirement at the time of preliminary plan of subdivision review. The Planning Board also reviewed all of the Staff's referral comments, and the comments from the City of Bowie, and provided a synopsis of each. (Exhibit 26, pp.39-42)

(33) The Planning Board concluded as follows:

The Planning Board held a public hearing on May 1, 2025. At the hearing, and in rendering its decision, the Board considered all written and oral testimony, along with all exhibits submitted according to the Planning Board's procedures. The following

ZMA-2024-002

Page 30

additional exhibits were provided after the publication of the staff report, but before the public hearing.

applicant Exhibit 1 - The applicant submitted proposed additions to three of the conditions of approval, as published in the technical staff report, which consisted of clarifying language on when detailed concepts for public art would be required in the approval process. The board approved these changes, and they are incorporated into this resolution.

Government Exhibit 1 - The City of College Park proposed additional conditions of approval in a memorandum to the Board. Staff analyzed the city's proposed conditions and made a recommendation to the Board outlined in Staff Exhibit 1....

Staff Exhibit 1-Prince George's County Planning staff found that all but one of the City of College Park's proposed conditions of approval were relevant to later stages of the development review process, but concluded that the city's concern for the provision of adequate sunlight to all proposed residential units an existing neighboring units warranted an additional condition of approval, which has been included in this resolution and approved by the Board....

No members of the public expressed opposition to the rezoning. Representatives of the City of College Park spoke in favor of the rezoning to the planning board.

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 to the District Council for Prince George's County, Maryland that the above- noted application be approved subject to... conditions....

(Exhibit 26, p. 42)

#### APPLICABLE LAW

(1) The Application may not be approved unless applicant presents sufficient credible evidence that the requirements found in Sections 27-1300, 27- 3602, 27-4301 and 27-4303 (d) are met. The District Council must then find that the four criteria in Section 27-3602(c) have been satisfied. These Sections provide as follows:

#### Sec. 27-1300 General Purpose and Intent

The purposes of the Zoning Ordinance are to:

- (a) Protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;
- (b) Implement the General Plan, Area Master Plans, Sector Plans, and Functional Master Plans;

- (c) Promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;
- (d) Guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;
- (e) Support pedestrian-friendly, higher-intensity, mixed-use development in the appropriate locations, including support and emphasis upon a framework for multi-modal forms of mobility for pedestrians, bicyclists, transit users, and motorists;
- (f) Support redevelopment and infill development within established areas of the County;
- (g) Provide adequate light, air, and privacy;
- (h) Encourage economic development activities that provide desirable employment and a broad, protected tax base;
- (i) Ensure a high level of quality development in general, for the benefit of all citizens and residents, throughout the County;
- (j) Promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;
- (k) Protect the established character of residential communities and neighborhoods;
- (l) Protect the County from fire, flood, panic, and other dangers;
- (m) Provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;
- (n) Prevent the overcrowding of land;
- (o) Protect the rural character of the County in designated, appropriate locations;
- (p) Ensure the provision of open space to protect scenic beauty and the natural features of the County, as well as provide adequate recreational space;
- (q) Protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features; and
- (r) Protect and conserve the agricultural industry and natural resources.

*27-3602. Planned Development (PD) Zoning Map Amendment*

- (a) **Planned Development (PD) Map Amendment Submittal Requirements**
  - (1) The PD map amendment application shall be submitted to the Planning Director by the owner of the property or his authorized representative.
  - (2) PD map amendment plats and site plans shall be prepared by a licensed professional engineer, architect, landscape architect, or land use planner.
  - (3) Upon filing the application, the applicant shall pay to the Planning Board a fee to help defray the costs related to processing the application.
  - (4) If more than 1 drawing is used, all drawings shall be at the same scale (where feasible).
  - (5) A PD map amendment application shall include the following:
    - (A) A signed application form, which shall include:
      - (i) The name, address, and telephone number of the applicant, and an indication of the applicant's status as contract purchaser, agent, or owner;
      - (ii) The street address of the property, name of any municipality the property is in, and name and number of the Election District the property is in;
      - (iii) The name, address, and signature of each owner of record of the property. Applications for property owned by a corporation must be signed by those officers empowered to act for the corporation;
      - (iv) The name, address, and telephone number of the correspondent;

- (v) A statement listing the name, and the business and residential addresses, of all individuals having at least a five percent (5%) financial interest in the property or the contract purchaser(s);
- (vi) If any owner or contract purchaser(s) is a corporation, a statement listing the officers of the corporation, their business and residential addresses, and the date on which they assumed their respective offices. This statement shall also list the current Board of Directors, their business and residential addresses, and the dates of each Director's term. An owner that is a corporation listed on a national stock exchange shall be exempt from the requirement to provide residential addresses of its officers and directors; and
- (vii) If the owner or contract purchaser(s) is a corporation (except one listed on a national stock exchange), a statement containing the names and residential addresses of those individuals owning at least five percent (5%) of the shares of any class of corporate security (including stocks and serial maturity bonds).
- (B) Four copies of an accurate plat, prepared, signed, and sealed by a registered engineer or land surveyor, which shall show:
  - (i) The present configuration of the property, including bearings and distances (in feet) and the total area of the property (in either acres or square feet);
  - (ii) The property's lot and block number, subdivision name, and plat book and page number, if any; or a description of its acreage, with reference to liber and folio numbers;
  - (iii) The names and owners of record, or subdivision lot and block numbers, of adjoining properties;
  - (iv) The name, location, distance to the center line, and right-of-way width of all abutting streets. If the property is not located at the intersection of 2 streets, the distance to, and the name of, the nearest intersecting street shall be indicated;
  - (v) A north arrow and scale (no smaller than 1 inch equals 400 feet);
  - (vi) The total area of the property (in either square feet or acres);
  - (vii) The location of all existing buildings on the property; and
  - (viii) The subject property outlined in red.
- (C) Four copies of the zoning map page on which the property is located, plotted to scale and outlined in red;
- (D) A vicinity map;
- (E) A copy of the applicant's informational mailing letter, list of addresses, and signed affidavit of mailing;
- (F) Any required State Ethics Commission affidavits;
- (G) A Statement of Justification detailing the legal basis by which the requested amendment can be approved, and any factual reasons showing why approval of the request will not be detrimental to the public health, safety, and welfare;
- (H) A proposed PD Basic Plan and proposed PD Conditions of Approval addressing all requirements and standards set forth in Section 27-4300, Planned Development Zones; and
- (I) Any other pertinent information deemed necessary by the District Council, Zoning Hearing Examiner, or Planning Board.

(b) **Planned Development (PD) Zoning Map Amendment Procedure**

This Subsection identifies additions or modifications to the standard review procedures in Section 27-3400, Standard Review Procedures, that apply to development applications for a PD map amendment. Figure 27-3602(a) identifies key steps in the planned development map amendment procedure.

Figure 27-3602(a): Planned Development (PD) Zoning Map Amendment Procedure (Illustrative)			
	↓	27-3401	Pre-Application Conference
	↓	27-3402	Pre-Application Neighborhood Meeting
	↓	27-3403	Application Submittal
	↓	27-3404	Determination of Completeness
	↓	27-3406	Staff Review and Action
	↓	27-3407	Scheduling Public Hearing and Public Notice
	↓	27-3408	Review and Recommendation by Advisory Board or Officer
	↓	27-3409	Review and Decision by Decision-Making Body or Officer
	→	27-3416	Notification

**(1) Pre-Application Conference**

See Section 27-3401, Pre-Application Conference.

**(2) Pre-Application Neighborhood Meeting**

See Section 27-3402, Pre-Application Neighborhood Meeting.

**(3) Application Submittal**

See Section 27-3403, Application Submittal. In addition, a proposed PD Basic Plan and proposed PD Conditions of Approval addressing all requirements and standards set forth in Section 27-4300, Planned Development Zones, shall be submitted as a part of the application.

**(4) Determination of Completeness**

See Section 27-3404, Determination of Completeness.

**(5) Staff Review and Action**

See Section 27-3406, Staff Review and Action. After staff review and evaluation of the application, the Planning Director shall prepare a Technical Staff Report, which shall include a recommendation on the application.

**(6) Scheduling Public Hearing and Public Notice**

See Section 27-3407, Scheduling of Hearings and Public Notice.

**(7) Review and Recommendation by Advisory Board or Official**

See Section 27-3408, Review and Recommendation by Advisory Board or Official.

**(A)** After holding a hearing, the Planning Board shall make a recommendation on the application in accordance with Section 27-3602(c), Planned Development (PD) Decision Standards, and transmit its recommendation to the ZHE. The Planning Board may suggest revisions to the PD

Basic Plan and PD Conditions of Approval. The Planning Board's recommendation shall address:

- (i) Whether the application complies with Section 27-3602(c), Planned Development (PD) Decision Standards;
- (ii) The need and justification for the PD zone;
- (iii) The effect of the PD zone, if any, on the land subject to the proposed PD and on surrounding neighborhoods; and
- (iv) The relationship of the proposed PD zone to the purposes of this Ordinance, the General Plan, and the applicable Area Master Plan or Sector Plan, with appropriate consideration as to whether the proposed PD zone will further the purposes of this Ordinance, the General Plan, and the applicable Area Master Plan or Sector Plan.

(B) After the receipt of the Planning Board's recommendation, the ZHE shall provide notice, schedule, and conduct an evidentiary hearing on the application in accordance with Section 27-3412, Evidentiary Hearing, and make a recommendation. The ZHE shall issue its decision not more than one hundred (100) days after the date of its last hearing on the application. The ZHE shall, following the ZHE's Rules of Procedure, consider the original application, relevant support materials, the Technical Staff Report, the Planning Board's recommendation, the applicant's and any party of record's testimony and materials (if appropriate), and any public comments, as appropriate. At the conclusion of the hearing, the ZHE shall make a recommendation on the application in accordance with Section 27-3602(c), Planned Development (PD) Decision Standards.

(C) After the hearing is concluded, the ZHE shall prepare and serve upon all persons of record a written decision containing specific findings of basic facts, conclusions of law, and a recommended decision.

(8) **Review and Decision by Decision-Making Body or Official**

See Section 27-3409, Review and Decision by Decision-Making Body or Official.

(A) After receipt of the ZHE's recommendation, the District Council shall conduct a public hearing on the application in accordance with Section 27-3414, Oral Argument Hearing, and make a decision, by majority vote, on the application in accordance with Section 27-3602(c), Planned Development (PD) Decision Standards. A two-thirds majority vote of the full Council shall be required to approve a planned development map amendment that is contrary to the recommendation of a municipality concerning land within its boundaries, the recommendation of a governed special taxing district concerning land within its district, or an amendment that is contrary to an approved Area Master Plan or Sector Plan. The District Council may direct revisions to the PD Basic Plan and PD Conditions of Approval. The District Council's decision shall be one of the following:

- (i) Adopt by ordinance the PD map amendment, including the PD Basic Plan and PD Conditions of Approval;
- (ii) Remand the application back to the Planning Board for further consideration; or
- (iii) Disapprove the PD map amendment.

(B) The approved PD Basic Plan and PD Conditions of Approval shall be the zoning text for the PD zone, and any subsequent development approval or permit shall comply with the approved PD Basic Plan and PD Conditions of Approval, except that minor deviations shall be allowed in accordance with Section 27-3602(b)(11)(G), Minor Deviations.

(C) The applicant has ninety (90) days from the date of District Council's decision to approve the conditions as part of the PD map amendment, to accept or reject the conditions of approval. The applicant shall accept or reject the conditions in writing, to the Council.

(D) If the applicant accepts the conditions, the Council shall enter an order acknowledging the acceptance, at which time the Council's action is final.

(E) Failure of the applicant to advise the Council about acceptance of the conditions of approval is considered a rejection of the conditions.

(F) If the conditions of approval are rejected, the PD map amendment will be denied and voided, and the land subject to the application will maintain its prior zone classification. If this occurs, the Council shall enter an order acknowledging the rejection, voiding its previous decision, and stating the land maintains its prior zone classification. This order shall be the final decision on the application.

(G) All amendments that are approved subject to conditions shall be shown on the Official Zoning Map with the letter "C" after the application number.

(9) **Conditions of Approval**  
Allowed (see Section 27-3415, Conditions of Approval).  
(A) The following conditions of approval are allowed:  
(i) The conditions in Section 27-4301(d)(3), PD Conditions of Approval;  
(ii) Conditions that may be necessary to protect surrounding properties from adverse effects that might accrue from the proposed zoning map amendment (ZMA);  
(iii) Conditions that would further enhance the coordinated, harmonious, and systematic development of the regional district; and/or  
(iv) Conditions that reflect amendments to the development standards of this Zoning Ordinance as may be proposed and approved in the PD Basic Plan.

(10) **Notification**  
See Section 27-3416, Notification.

(11) **Post-Decision Actions**  
Once the PD zone is approved, the applicant must receive approval of a detailed site plan (see Section 27-3605(d), Detailed Site Plan Procedure) and major preliminary plan of subdivision (see Subtitle 24: Subdivision Regulations), prior to development of the site, to ensure substantial compliance with the approved PD Basic Plan and PD Conditions of Approval. Any permits or development approvals shall be in conformance with the PD Basic Plan and PD Conditions of Approval.

(A) **Effect of Approval**  
(i) Lands within an established PD zone shall be subject to the approved PD Basic Plan and PD Conditions of Approval. The PD Basic Plan and PD Conditions of Approval are binding on the land as an amendment to the Official Zoning Map. The applicant may apply for and obtain subsequent development approvals and permits necessary to implement the PD Basic Plan and PD Conditions of Approval in accordance with the applicable procedures and standards set forth in this Ordinance.

(B) **Designation on Official Zoning Map**  
If a PD zone is adopted by the District Council, the Planning Director shall place the amendment on the Official Zoning Map within a reasonable period of time after its adoption. Designation of a PD zone on the Official Zoning Map shall note the ordinance adopting the PD zone classification, the PD Basic Plan, and the PD Conditions of Approval.

(C) **Effect on Special Exceptions**  
When any land upon which a special exception has been approved is reclassified to a zoning category different from that category in which it was classified at the time the special exception was approved, the following shall apply:  
(i) If, at the time of the rezoning, the approved use requires the approval of a special exception in the new zone, and the specific special exception requirements governing the use are the same in both zones, the special exception, as approved, shall remain in full force and effect.  
(ii) If, at the time of the rezoning, the approved use is not permitted in the new zone, or requires approval of a special exception with different requirements, and the use or

construction authorized by the special exception has commenced and has not ceased, the special exception shall not terminate and the use may continue as a nonconforming use.

- (iii) If, at the time of the rezoning, the approved use is not permitted in the new zone, or requires approval of a special exception with different requirements, and the use or construction authorized by the special exception has not commenced or has ceased, the special exception shall terminate, and all provisions of the new zone shall apply to the use and development of the property.
- (iv) If, at the time of the rezoning, the approved use is permitted in the new zone without approval of a special exception, the special exception shall terminate, and all provisions of the new zone shall apply to further use and development of the property.

**(D) Resubmitting Application**

If the District Council wholly or partly denies an application for a Planned Development (PD) Zoning Map amendment, the following limitations apply instead of those in Section 27-3418(d), Resubmitting Application:

- (i) The District Council shall not act on a subsequent application for any portion of the same land within eighteen (18) months after the date of the first denial and within twenty-four (24) months after the date of any subsequent denial.
- (ii) In any subsequent application for any portion of the same land and for the same zone classification, by the same applicant, the District Council may not base its findings solely on any fact or circumstance that was presented at the hearing on the prior application.
- (iii) For purposes of this Subsection, "date of denial" means the date of the District Council's decision or, in the case of judicial review, the date of the final judgment of the Circuit Court.

**(E) Completion of Necessary Agreements and Recordation**

Prior to the submission of any subsequent development application having as its subject any land in the PD zone, the applicant shall file with the Land Records of Prince George's County, the following:

- (i) Copies of the PD Basic Plan and PD Conditions of Approval; and
- (ii) Any deed restrictions or other restrictive covenants required by the District Council in its approval of the PD zone, as well as any completed agreements with the County that are necessary for the County to become a party to the deed restrictions or other restrictive covenants.

**(F) Amendment**

Notwithstanding Section 27-3602(b)(11)(G), Minor Deviations, below, an amendment of an adopted PD zone, including the approved PD Basic Plan or PD Conditions of Approval, may only be approved in accordance with the procedures and standards established for its original approval.

**(G) Minor Deviations**

After the establishment of a PD zone in accordance with Section 27-3602, Planned Development (PD) Zoning Map Amendment and the initial detailed site plan for the project, subsequent applications for development approvals and permits (e.g., detailed site plans or special exceptions) within a PD zone that include minor deviations from the approved PD Basic Plan or PD Conditions of Approval may be reviewed and decided by the Planning Director, without the need to amend the PD zone, if the Planning Director determines that such deviations consist of only the following:

- (i) Changes that result in a decrease in the density or intensity of development approved for a specific parcel;

- (ii) An increase in residential density for any specific parcel of ten (10) percent or less, if the total allowed density with the PD zone does not increase;
- (iii) A decrease in height;
- (iv) A reduction of off-street parking spaces by up to ten (10) percent if it can be demonstrated by a parking study that the parking spaces are not needed because of the unique features of the site;
- (v) A reduction of off-street loading spaces by up to twenty (20) percent if it can be demonstrated that the off-street loading spaces are not needed because of the unique features of the site;
- (vi) Minor modification to the parking lot design and circulation where it can be demonstrated that such minor adjustments will result in a more efficient and pedestrian-friendly parking lot design;
- (vii) Minor modification to the off-street loading design where it can be demonstrated that such minor modifications will result in a more efficient off-street loading design;
- (viii) A modification of design of facilities for amenities such as parks, gardens, or open spaces; or
- (ix) A deviation specifically listed in the approved PD Conditions of Approval or PD Basic Plan as a minor deviation not materially affecting the PD zone's basic concept or the designated general use of the land within the zone.

**(c) Planned Development (PD) Decision Standards**

Prior to the approval of the PD zone, the applicant shall demonstrate to the satisfaction of the District Council that the entire development:

- (1) Is in conformance with the General Plan, the applicable Area Master Plan or Sector Plan, or any applicable Functional Master Plan;
- (2) Meets the purposes of the proposed PD zone;
- (3) Satisfies all applicable standards of the proposed PD zone; and
- (4) Will not adversely impact the surrounding properties.

**(d) Appeal**

See procedures in Section 27-3601(f), Appeal.

(CB-015-2024)

## **27-4301. General Provisions for All Planned Development Zones**

**(a) General Purposes of Planned Development Zones**

The Planned Development (PD) zones are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other County goals and objectives resulting in a project superior to what would result from compliance with Base zones by:

- (1) Reducing the inflexibility of zone standards that sometimes results from strict application of the zone development, form, and design standards established in this Ordinance;
- (2) Allowing greater freedom and flexibility in selecting:
  - (A) The form and design of development;
  - (B) The ways by which pedestrians, bicyclists, transit users, and motorists circulate;
  - (C) The location and design of the development respective and protective of the natural features of the land and the environment;
  - (D) The location and integration of open space and civic space into the development; and

**(E) Design amenities.**

- (3)** Where appropriate, allowing greater freedom in providing a well-integrated mix of uses in the same development, including a mix of nonresidential development, housing types, lot sizes, and densities/intensities;
- (4)** Allowing more efficient use of land, with coordinated and right-sized networks of streets and utilities;
- (5)** Promoting development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses;
- (6)** Improving community services and facilities and enhancing functionality of vehicular access and circulation;
- (7)** Promoting development forms that respect and take advantage of a site's natural, scenic, and man-made features, such as rivers, lakes, wetlands, floodplains, trees, historic features, and cultural and archeological resources; and
- (8)** Providing public benefits to further protect and advance the public health, safety, welfare, and convenience.

**(b) Classification of Planned Development Zones**

Land shall be classified into a PD zone only in accordance with the procedures and requirements set forth in Section 27-3602, Planned Development (PD) Zoning Map Amendment.

**(c) Organization of Planned Development Zone Regulations**

Section 27-4301(d), General Standards for All Planned Development Zones, sets out general standards applicable to all types of PD zones. Section 27-4302 through Section 27-4304 sets out for each of the different types of PD zones, a purpose statement, a list of the types of form, intensity, dimensional, development, and design standards to be applied as part of the PD Basic Plan and PD Conditions of Approval, and references to applicable use and other standards.

**(d) General Standards for All Planned Development Zones**

Before approving a PD zone classification, the District Council shall find that the application for the PD zone classification, as well as the PD Basic Plan and Conditions of Approval, comply with the following standards:

**(1) PD Basic Plan**

The PD Basic Plan shall:

- (A)** Establish a statement of planning and development goals for the zone that is consistent with the General Plan and the applicable Area Master Plan or Sector Plan and purposes of the PD Zone;
- (B)** Establish the specific principal, accessory, and temporary uses permitted in the zone. They shall be consistent with the Principal Use Tables (and may only be selected from uses identified as Allowable in the desired PD zone) in Section 27-5101(e), Principal Use Table for Planned Development Zones, and the purposes of the particular type of PD zone, and be subject to applicable use-specific standards identified in the PD Basic Plan, and any additional limitations or requirements applicable to the particular type of PD zone;
- (C)** Establish the general location of each development area in the zone, its acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity. The residential density and nonresidential intensity shall be consistent with the general purposes of the PD zone and the specific requirements of the individual PD zone;
- (D)** Establish the dimensional standards that apply in the PD zone. The dimensional standards shall be consistent with the requirements of the individual PD zone, and its purposes;
- (E)** Where relevant, establish the standards and requirements that ensure development on the perimeter of the PD zone is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, location and design of parking facilities, hours of operation, exterior lighting, siting of service areas, and any other standards deemed appropriate by the District Council;

(F) Establish the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD zone;

(G) Identify the general location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and ensure protection of these lands consistent with the purposes of the individual PD zone and the requirements of this Ordinance;

(H) Identify the general location of existing on-site and adjacent historic sites, resources, and districts and archeological and cultural resources;

(I) Identify the general on-site pedestrian circulation system, including any existing on-site and adjacent pedestrian circulation systems (pedestrian and bicycle pathways, and trails), and how it will connect to off-site pedestrian systems in ways that are consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;

(J) Identify the general design and layout of the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system, and connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;

(K) Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;

(L) Identify the general location of on-site storm drainage facilities, and how they will connect to existing and planned County systems, in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;

(M) Identify the general location and layout of all other on-site and off-site public facilities serving the development (including any municipal public facilities, when the subject property is located within a municipality), and how they are consistent with the purposes of the individual PD zone. The other on-site and off-site public facilities considered shall include—but not limited to—parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management;

(N) Establish provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;

(O) Establish the development standards that will be applied to development in accordance with Section 27-4301(d)(2), Development Standards; and

(P) Include specific public benefits and project amenities in accordance with Section 27-4301(d)(3).

(2) **Development Standards**

The development standards in PART 27-6: Development Standards and the Landscape Manual, shall apply to all development in each PD zone. Development standards (but not the Landscape Manual; modifications to the Landscape Manual may only be made pursuant to Alternative Compliance or a major departure) may be modified as indicated in Table 27-4301(d)(2): Modification of Development Standards, if consistent with the relevant Area Master Plan or Sector Plan, the purposes and requirements of the individual PD zone, and any other applicable requirements of this Ordinance. To the extent a standard in PART 27-6: Development Standards, conflicts with a standard in Section 27-4302, Residential Planned Development Zones; Section 27-4303, Transit-Oriented/Activity Center Planned Development Zones; or Section 27-4304, Other Planned Development Zones, the standard in Section 27-4302, Section 27-4303, or Section 27-4304 shall apply.

**Table 27-4301(d)(2): Modification of Development Standards**

Standard	Means of Modifying
General Site Layout (PART 24-4: Subdivision Standards; Sec. 27-6200, Roadway Access, Mobility, and Circulation.)	PD Basic Plan
Roadway Access, Mobility, and Circulation (Sec. 27-6200)	PD Basic Plan

**Table 27-4301(d)(2): Modification of Development Standards**

<b>Standard</b>	<b>Means of Modifying</b>
Off-Street Parking and Loading (including bicycle parking) (Sec. 27-6300)	Alternative Parking Plan PD Basic Plan
Open Space Set-Asides (Sec. 27-6400)	Modifications Prohibited
Landscaping (Sec. 27-6500)	Modifications Prohibited
Fences and Walls (Sec. 27-6600)	PD Basic Plan
Exterior Lighting (Sec. 27-6700)	PD Basic Plan
Environmental Protection and Noise Controls (floodplain management, environmental features, stormwater, erosion and sedimentation, CBCAO protections, wetlands, noise) (Sec. 27-6800)	Modifications Prohibited
Multifamily, Townhouse, and Three-Family Form and Design (Sec. 27-6900)	PD Basic Plan
Nonresidential and Mixed-Use Form and Design (Sec. 27-61000)	PD Basic Plan
Industrial Form and Design (Sec. 27-61100)	PD Basic Plan
Neighborhood Compatibility (Sec. 27-61200)	PD Basic Plan
Agricultural Compatibility (Sec. 27-61300)	Modifications Prohibited, if Compatibility Standards are Applicable
Urban Agriculture Compatibility (Sec. 27-61400)	Modifications Prohibited, if Compatibility Standards are Applicable
Signage (Sec. 27-61500)	PD Basic Plan
Green Building (Sec. 27-61600)	Modifications Prohibited

**(3) Public Benefits**

- (A) Public benefits are superior features in a Planned Development zone that benefit the surrounding neighborhood, or the public in general, to a significantly greater extent than would likely result from development of the site under a Base zone.
- (B) All public benefits shall meet the following criteria:
  - (i) Benefits shall be tangible and quantifiable items;
  - (ii) Benefits shall be measurable and able to be completed or arranged prior to issuance of the first certificate of use and occupancy;
  - (iii) Benefits must primarily benefit the surrounding neighborhood or service a critical Countywide need; and
  - (iv) Benefits must significantly exceed applicable standards in **PART 27-6: Development Standards**.
- (C) Public benefits may be exhibited in one or more of the following ways:
  - (i) Urban design and architecture superior to the high baseline expectation set by this Ordinance, including but not limited to high-quality materials and embellishments on all facades of all buildings, unique and/or signature architectural forms, innovative urban design relationships and placemaking, and demonstrated commitment to superior quality;
  - (ii) Superior landscaping;
  - (iii) Creation and/or preservation of open spaces;
  - (iv) Site planning demonstrating efficient and economical land utilization;
  - (v) Commemorative works and/or provision of public art;
  - (vi) Adaptive reuse of historic sites or resources;
  - (vii) Provision of affordable housing options;

- (viii) Provision of employment and/or training opportunities;
- (ix) Incorporation of social services and facilities, including, but not limited to, space dedicated for child or adult day care facilities and/or elderly care facilities available to the general public;
- (x) Dedicated building space for uses to benefit the public, including, but not limited to, community educational or social development, promotion of the arts or similar programs, and/or business incubation;
- (xi) Sustainable and environmental benefits to the extent they exceed the standards otherwise required by the County Code, including, but not limited to:
  - (aa) Stormwater runoff controls in excess of those required by Subtitle 32 of the County Code and any other County stormwater management regulation;
  - (bb) Incorporation of environmental site design and other natural design techniques to store, infiltrate, evaporate, treat, and retain runoff in close proximity to where runoff is generated; and/or
  - (cc) Gardens, urban farms, or other on-site food production through permanent and viable growing space and/or structures.
- (xii) Enhanced streetscape design and maintenance provisions;
- (xiii) Outdoor children's play areas open to the general public and designed to provide safe, active recreation;
- (xiv) Multimodal transportation improvements, including, but not limited to, electric vehicle charging stations, the location and funding of bike share stations, commuter services (such as guaranteed ride home services or information on bicycle and car share programs), the construction and maintenance of buffered/separated bike lanes, provision of comprehensive wayfinding signage, provision and maintenance of bus shelters and smart signage, etc.; and
- (xv) Other public benefits and project amenities that substantially advance the policies, goals, and objectives of the General Plan or the applicable Area Master Plan, Sector Plan, or Functional Master Plans.

**(4) PD Conditions of Approval**

- (A) The PD Conditions of Approval shall include, but not be limited to:
  - (i) Conditions related to approval of the application for the PD zone classification;
  - (ii) Conditions related to the approval of the PD Basic Plan, including any conditions related to the form and design of development shown in the PD Basic Plan;
  - (iii) Provisions addressing how public facilities (transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development, in accordance with any Certificate of Adequacy required under Subtitle 24: Subdivision Regulations. The provisions shall include but not be limited to:
    - (aa) Recognition that the applicant/landowner will be responsible to design and construct or install required and proposed on-site and off-site public facilities in compliance with applicable municipal, County, State, and Federal regulations; and/or
    - (bb) The responsibility of the applicant/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable municipal, County, State, and Federal regulations.
  - (iv) Provisions related to environmental protection and monitoring (e.g., restoration of mitigation measures, annual inspection reports);

- (v) Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD zone;
- (vi) Identification of minor deviations not materially affecting the PD zone's basic concept or the designated general use of the land within the zone, that may be approved by the Planning Director in accordance with Section 27-3602(b)(11)(G), Minor Deviations; and
- (vii) Any other provisions the District Council determines are relevant and necessary to the development of the planned development.

(B) All Conditions of Approval shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

**(5) Development Phasing Plan**

If development in the PD zone is proposed to be phased, the PD Basic Plan shall include a development phasing plan that identifies the general sequence or phases in which the zone is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private), open space, and other amenities will be provided and timed, how development will be coordinated with the County's capital improvement program, and how environmentally sensitive lands will be protected and monitored.

**(6) Conversion Schedule**

The PD Basic Plan may include a conversion schedule that identifies the extent and timing to which one type of use may be converted to another type of use.

**(e) Departures for PD Basic Plan**

applicants or landowners may seek minor departures to an approved PD Basic Plan in accordance with the procedures and standards in Section 27-3614, Departure (Minor and Major). Major departures to an approved PD Basic Plan may not be sought or granted. Instead, applicants may amend the approved PD Basic Plan in accordance with the procedures and standards established for its original approval (See Section 27-3602, Planned Development (PD) Zoning Map Amendment).

**27-4303. Transit-Oriented/Activity Center Planned Development Zones**

**(d) Regional Transit-Oriented Planned Development (RTO-PD) Zone**

<b>(1) Purposes</b>	
The purposes of the Regional Transit-Oriented Planned Development (RTO-PD) Zone are:	
<ul style="list-style-type: none"> <li>(A) To provide lands for the establishment of high-quality, vibrant, high-density, mixed-use, transit-accessible development that supports economic development, reduces automobile dependency, supports walkable areas, and provides opportunities for alternative modes of travel.</li> <li>(B) To capture the majority of the County's future residential and employment growth and development;</li> <li>(C) To incorporate key elements of walkable and bikeable areas that is well-connected to a regional transportation network through a range of transit options;</li> <li>(D) To provide the "critical mass" of use types and densities and intensities needed for intense, transit-supportive, mixed-use, transit-accessible development;</li> <li>(E) To encourage a dynamic live, work, shop, and play environment that serves as an economic driver for the County's Regional Transit Districts;</li> <li>(F) To include a well-integrated mix of complementary uses—including office, retail, personal services, entertainment, public and quasi-public, flex, medical, lodging, eating or drinking establishments, residential, and recreational;</li> <li>(G) To provide multiple, direct, and safe vehicular, bicycle, and pedestrian connections between developments, and prioritize transit, pedestrian, and bicyclist access;</li> <li>(H) To incorporate buildings, open spaces, and other site features that are arranged and designed to create an inviting, walkable, safe, socially-interactive environment;</li> <li>(I) To include distinctive and engaging public spaces that help create an identity and sense of place for the zone; and</li> <li>(J) To provide a range of housing options.</li> </ul>	  

<b>(2) Use Standards</b>	
The specific principal, accessory, and temporary uses allowed in an individual RTO-PD Zone shall be established in the PD Basic Plan (see Section 27-4301(d), General Standards for All Planned Development Zones). Uses shall be consistent with the applicable Area Master Plan or Sector Plan, and the purposes of the RTO-PD Zone.	

<b>(3) Intensity and Dimensional Standards</b>	<b>Core (1)</b>			<b>Edge (1)</b>		
	<b>Standard (2)</b>	<b>All Uses</b>	<b>Nonresidential &amp; Mixed-Use</b>	<b>Residential</b>	<b>All Uses</b>	<b>Nonresidential &amp; Mixed-Use</b>
Block length, min.   max. (ft.)						
Lot area, min.   max. (sf)						
Lot width, min. (ft.)						
Density, min. (du/net lot area) (3)	30.00		20.00 (8)		20.00	
Floor area ratio (FAR), min. (4)	1.00		0.25		No requirement	
Lot coverage, min.   max. (% of net lot area)						
Density, max. (du/net lot area) (3)						

(3) Intensity and Dimensional Standards		Core (I)	Edge (I)	
Standard (2)		All Uses	Nonresidential & Mixed-Use	Residential
Floor area ratio (FAR), max. (4)				
Build-to line, min.   max. (ft.) (5)(6)				
Building width in build-to zone, min. (% of lot width) (7)				
Front yard depth, min. (ft.)				
Side yard depth, min. (ft.)				
Rear yard depth, min. (ft.)				
Building façade transparency, min. (% of street-level façade area)	Abutting or facing a street frontage or pedestrian way			
Principal and accessory structure height, max. (ft.)	Facing a transit station or public gathering space			

NOTES: sf = square feet; ft = feet; du = dwelling unit; ac = acre

(1) A Core area and an Edge area may have been designated by the applicable Area Master Plan or Sector Plan. Where a Core area is not designated, the PD Zone may not incorporate standards applicable to a Core area.

(2) See measurement rules and allowed exceptions in Section 27-2200, Measurement and Exceptions of Intensity and Dimensional Standards.

(3) Applicable to residential development and the residential component of mixed-use development.

(4) Applicable to nonresidential development.

(5) The area between the minimum and maximum build-to line that extends the width of the lot constitutes the build-to zone.

(6) The remaining build-to zone width may be occupied by outdoor gathering spaces, walkways, landscaped areas, stormwater management facilities using Environmental Site Design techniques, and driveways (subject to Section 27-6206(b)(1)).

(7) Where existing buildings along a street frontage are all located behind the build-to zone, such buildings may not be extended to the rear or side unless they are first extended frontwards to comply with the maximum build-to line standard and the minimum building width in the build-to zone standard.

(8) For the residential component of mixed-use development only.

(4) Other Standards	
Location Standards	An RTO-PD Zone may only be located on lands: <ul style="list-style-type: none"> <li>Within a Regional Transit District as designated on the Growth Policy Map in the General Plan or the applicable Area Master Plan or Sector Plan, as may be amended from time to time; or</li> <li>Within that portion of the Innovation Corridor as designated on the Strategic Investment Map in the General Plan or the applicable Area Master Plan or Sector Plan, as may be amended from time to time, located within that portion of the City of College Park between the Capital Beltway/I-95, south to the city's southern boundary.</li> </ul>
Use Mixing	The zone should be designed to provide a mix of uses. The integration of residential and nonresidential uses is strongly encouraged to allow residents to meet more of their daily needs within the zone.
Vertical Mixing of Residential and Nonresidential Uses	The vertical mixing of residential uses with nonresidential uses within a single project or building, with residential development on upper floors, is strongly encouraged in the Core area and encouraged in the Edge area.

<b>(4) Other Standards</b>	
Horizontal Mixing of Residential and Nonresidential	The horizontal mixing of stand-alone residential developments and adjacent stand-alone nonresidential or mixed-use developments in the zone is allowed, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.
Shopping Centers	Shopping centers shall be a minimum of two stories (multi-story).
Blocks and Alleys	The zone shall be laid out in blocks, streets, and alleys, to the maximum extent practicable.
Streets	<p>Streets shall be organized according to a hierarchy based on function, capacity, and design speed. They should terminate at other streets within the development and connect to existing and projected through streets outside the development. Street stubs should be provided to adjacent open land to provide for future connections. Gated streets are prohibited.</p> <ul style="list-style-type: none"><li>• Sidewalks shall be located on both sides of every street, with a planting strip between the curb and the sidewalk, as established in the PD Basic Plan. Street trees shall be spaced between 40-50 feet on center.</li><li>• Sidewalks shall be at least 15 feet wide along street frontages in the Core area, and at least 10 feet wide in the Edge area.</li><li>• Sidewalks shall maintain a pedestrian "clear zone" a minimum width of 5 feet that is unobstructed by any permanent or nonpermanent object.</li><li>• At least one walkway from an adjacent sidewalk shall be provided to each pedestrian entrance.</li><li>• Where a sidewalk, greenway path, or other walkway crosses a street, driveway, or drive aisle, the crossing shall be clearly marked with a change in paving material, color, or height, decorative bollards, or similar features.</li></ul>
Private Sidewalks and Private Street Trees	
Connectivity	The internal vehicular, bicycle, and pedestrian circulation systems shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the internal system and adjoining lots and development, as well as to any nearby or adjacent transit station.

(4) Other Standards	
Building Configuration	<ul style="list-style-type: none"><li>• In the Core area, public and quasi-public buildings and uses, including government facilities, cultural facilities, religious institutions, assembly uses, and schools, should serve as focal points and landmarks for the zone and are encouraged to be located on prominent sites.</li><li>• In the Core area, buildings shall be configured in relation to the site and other buildings so that building walls frame and enclose at least two of the following:<ul style="list-style-type: none"><li>○ The corners of street intersections or entry points into the development;</li><li>○ A "main street" pedestrian and/or vehicle access corridor within the development site;</li><li>○ Parking areas, public spaces, or other site amenities on at least three sides; or</li><li>○ A plaza, pocket park, square, outdoor dining area, or other outdoor gathering space for pedestrians.</li></ul></li><li>• In the Edge area, and where appropriate, buildings should be used to define the street edge and the distinction between the public domain of the street and the private space of individual lots. To this end, buildings should have a consistent, setback alignment along the street frontage.</li><li>• Buildings should be designed with a common architectural scheme. The intent should not be to create a uniform appearance, but rather a distinct sense of place.</li></ul>
Parking	<ul style="list-style-type: none"><li>• All proposed new or additional off-street surface vehicle parking shall be located to the rear or side of the development's principal building(s) or in a parking structure.</li><li>• Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain fewer spaces each and are visually separated by buildings or landscaped swales</li><li>• All vehicle parking lots and structures shall provide clearly identified pedestrian routes between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas</li></ul>
Transparency	Where the façade of a principal building other than a single-family or two-family dwelling abuts or faces a street frontage or pedestrian way, or an adjoining transit station or public gathering space, a percentage of the street-level façade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise so as to enhance safety and create a more inviting environment for pedestrians.
Open Space Design	Open space should be designed in a hierarchy of formal and informal spaces and used to enhance activity and identity. Formal open spaces consist of squares, greens, common areas, or other park-like settings where people may gather. Such areas should be bounded by streets and/or buildings. Informal open spaces are encouraged to be located throughout the zone, and take the form of walking paths, greenways, parks, passive recreation areas, and natural areas.

(2) Additionally, Section 27-6104 of the Zoning Ordinance outlines the development standards applicable to the instant request. This Section includes a Table that states that the construction of a new multifamily development must address the design standards in Sections 27-6200 (roadway access/mobility/circulation), 27-6300 (Off street parking and loading standards), 27-6400 (open space set asides), 27-6700 (exterior lighting), 27-6800 (environmental protection and noise control standards), 27-6903 (multifamily form and design standards), and 27-61200 (Neighborhood compatibility standards). Table 27-6104 (Applicability of Development Standards) expressly notes “[w]here the general standards within this [Part] conflict with specific use standards specified in this Subtitle, the standards applicable to the specific use shall apply.” Section 27-6105 (Timing of Review) provides that the PD Basic Plan may amend many of the development standards within Part 6 to set new design standards, subject to the approval of the District Council. The Basic Plan may not amend the requirement to meet the Neighborhood Compatibility Standards.

## CONCLUSIONS OF LAW

(1) The Application may be approved as it generally satisfies all applicable provisions of law.

### Conformance with Applicable Plans and Purposes (Section 27-3602(c)(1) and (2))

(2) Section 27-1300 sets forth the general purposes of the Zoning Ordinance, Section 27-4301 (a) sets forth the general purposes of all Planned Development Zones, and Section 27-4303 (d) (1) sets forth the specific purposes of the RTO-PD Zone. Section 27-3602(b)(7)(A)(iv) requires the Planning Board to address whether the instant Application furthers these purposes. After a review of the Planning Board's recommendation, all exhibits submitted, and testimony provided, I would agree that the purposes set forth in these Sections of the Zoning Ordinance are met, since:

(a) The request will provide additional multifamily dwelling units (marketed as student housing) in close proximity to the University of Maryland and various transit stations, in a Local Center, in the Innovation Corridor, and at a density and design that is compatible with the surrounding uses. It implements the 2014 General Plan, the 2010 Sector Plan, and the Master Plan of Transportation for the reasons noted by Mr. Ferguson, recognized as an expert in land use planning, on pages 8-21 of his Land Planning Analysis (Exhibit 37), and paraphrased above. If approved, the request will undergo subdivision review, during which the adequacy of public facilities will be ensured. This infill development will promote the orderly growth and development of the County as it is in accordance with the applicable plans and the recognition of the need for more intense development in Local Centers, the Innovation Corridor, and a Sector Planned walkable node. This request is for the redevelopment and infill development within an established area. The development will have to satisfy all applicable

provisions of the Zoning Ordinance, Building Code, Subdivision Regulations and other laws thereby ensuring adequacy of light, air and privacy, prevention of the overcrowding of land, protection from fire, flood and other dangers, and the provision of open space. The project proposes student housing adjacent to the University of Maryland, providing a suitable and healthy living environment within the economic reach of students. (Section 27-1300)

(b) The request reduces the inflexibility of the RTO Zone standards because it will allow applicant to modify certain intensity and dimensional standards of the base zone, as well as some of the development standards in Part 6 of the Zoning Ordinance. (Section 27-4301(a)(1)) As a result, applicant will have greater freedom and flexibility in the design of the building and the amenities offered. (Section 27-4301(a)(2)) applicant has not identified the specific accessory/temporary uses it wishes to utilize (as this Examiner believes must be done, and addresses below), but granting the requested zone allows it to have the mix of uses within the development. (Section 27-4301(a)(3)) The development consists of two structures and will be served by the existing, appropriately sized streets, as well as the proposed extension of Ancestors Lane, which is desired by the City of College Park. (Section 27-4301 (a)(4)) The protection of the subject property's steep topography, and the design and scale of the buildings respect the character and development forms of the surrounding development. (Section 27-4301 (a)(5)) The proposed internal parking garage, the greenway connecting Knox and Hartwick Roads, and the site's location adjacent to the University of Maryland will improve community services and enhance the functionality of vehicular access and circulation. (Section 27-4301(a)(6)) There are no historic features, nor natural, scenic, or man-made features on site. (Section 27-4301(a)(7)) Public benefits are provided on the PD Basic Plan and PD Conditions of Approval, and discussed further below. (Section 27-4301(a)(8))

(c) The request will help to achieve the density envisioned in the General and Sector Plans, and reduce automobile dependency, as it hopes to target residents attending the University or eager to utilize the multiple transit opportunities in the area. (Section 27-4303(d)(1)(A)) The development will increase the density in an area surrounded by several transit options, thereby increasing residential and employment growth in the County. (Section 27-4303(d)(1)(B)) The development is situated within a designated Walkable Node, is designed to enhance walkability between the two public roads in the area by providing an interior pedestrian and bicycle promenade lined with a footpath that connects to the University of Maryland, and is conveniently close to several transit options. (Section 27-4303(d)(1)(C)) Although community feedback and a market analysis did not support adding a commercial component to this project, rezoning will provide residential density that will be transit-supportive. (Section 27-4303(d)(1)(D)) The Basic Plan is designed to encourage walking and biking through the site to the surrounding residential and commercial developments, and will also increase the number of residents in the area, and these factors will promote a dynamic "live, work, shop, and play" environment. (Section 27-4303(d)(1)(E)) The development will provide a significant number of additional residents to support the surrounding uses resulting in a... well-integrated mix of complimentary uses. (Section 27-4303(d)(1)(F)) There will be two

vehicular access points, and three planned pedestrian access points at the ends of paths from Knox and Hartwick Roads. Both of these roads include sidewalks, and the promenade next to a pedestrian path into the University will include bicycle ramps, pump stations, and other amenities. Ultimately, these bikers and pedestrians will have access to a range of transit facilities. (Section 27-1403 (d)(1)(G)). The two direct street-fronting multifamily dwellings, and the well-landscaped and attractively designed pedestrian promenade create an inviting, safe, and walkable environment. (Section 27-4303(a)(1)(H)) The proposal adds a greenway, and pocket park, and public amenities that will make these public spaces distinctive and engaging. (Section 27-4303 (a)(1)(I)) Finally, these types of multifamily dwelling units will include an affordable student housing component within two high-density multifamily buildings, thereby expanding the range of housing options in a manner envisioned by the Sector Plan at this location. (Section 27-4303(a)(1)(J))

**Conformance with the Applicable General Standards of All Planned Development Zones (Section 27-3602(c)(3))**

(3) Section 27-4301 (d)(1)(A)-(P) requires, in pertinent part, that the Basic Plan: establish a statement of planning and development goals that is consistent with the General Plan, applicable Master or Sector Plan, and the purposes of the PD zone; establish the specific principal, accessory, and temporary uses to be permitted, selected from uses identified as Allowable, and be subject to applicable use-specific standards in the PD Basic Plan, and any additional limitations or requirements applicable to the particular PD zone; establish the general location of each development area in the zone, its acreage, types and mix of land uses, number of residential uses by type, and residential density consistent with the general purposes and specific requirements of the PD zone; establish the dimensional standards of the PD zone consistent with the other requirements of the zone and its purposes; where relevant, establish standards and requirements that ensure development on the perimeter be compatible with the character of adjacent existing or approved development; establish the general amount, location and type of open space consistent with the purposes of the individual PD zone; identify the general location of environmentally sensitive lands, resource lands, wildlife habitat , waterway corridors, and ensure protection thereof consistent with the purposes of the individual PD zone and the requirements of Subtitle 27; identify onsite and adjacent historic sites, resources, and districts and archeological/cultural resources; identify onsite pedestrian circulation systems , including any existing on-site and adjacent ones, and how they connect with off-site systems in ways consistent with the purposes of the individual PD zone and with the requirements of Subtitle 27; identify the general design and layout of the on-site transportation circulation system; identify the general location of on-site potable water and wastewater facilities, and on-site storm drainage facilities, and how they connect to existing and planned County and regional systems in a manner consistent with the purposes of the zone and the requirements of Subtitle 27; identify the general location of on-site storm drainage facilities and how they will connect to existing and planned County systems consistent with the purposes of the individual PD zone and the requirements of Subtitle 27; identify the general location of on-site storm drainage facilities and how they will connect to existing and planned

County systems, in a manner consistent with the purposes of the individual PD zone and the requirements of Subtitle 27; identify the general location and layout of all other on or off-site public facilities (parks, schools, facilities for fire/police/EMS protection stormwater management, etc.) serving the development and how they are consistent with the purposes of the individual PD zone; establish provisions as to how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development; establish the development standards for the site in accordance with Section 27-4301(d)(2) of the Zoning Ordinance (addressing the modification of development standards in Part 27-6 of the Zoning Ordinance); and, include specific public benefits and project amenities, as described in Section 27-4301(d)(3). The applicant would also have to identify compliance with the Section 27-4303(d) (4), regarding location standards, use mixing, vertical and horizontal mixing, blocks, streets, private sidewalks and private street trees, building configuration, parking, transparency, open space design.

The record before the Planning Board and this Examiner supports a finding that all of these requirements are generally met. In summary; the PD Basic Plan, in conjunction with the Statement of Justification, are the statement of planning and development goals for the site, although I recommend a condition concerning use of the Statement of Justification; the PD Basic Plan mentions the principal use of the site, but broadly notes all accessory/temporary uses allowed in the Ordinance may be developed if allowable in the Zoning Ordinance, and I have suggested a condition for this stance; the PD Basic Plan in conjunction with the Statement of Justification depicts the general location of the area to be developed, the maximum number of residential units to be provided; all dimensional standards are shown, but some may need to be corrected per Mr. Ferguson, and they basically mimic those in the RTO-L Edge Zone, with small modifications to the maximum density, build-to-lines and setback to address the Sector Plan recommendations (noted above); the site is designed in a manner to be compatible to the adjacent multifamily dwellings; provides the open space area in the form of a greenway and pocket park that meets the purposes of the RTO-PD Zone as it helps to create an identity/sense of place along US 1; no regulated environmental features are present; there are no historic sites, resources, districts, cultural resources, nor known archeological resources on or within 1,000 feet of the site; the on-site and off-site pedestrian circulation systems are identified, although interparcel connection with the abutting properties is physically impossible but on-site pedestrian circulation is generally oriented toward the perimeter of the site; the general design of the on-site transportation system and its interface with the proposed pedestrian circulation is illustrated on the basic plan; the property is within Water and Sewer Category 3 and existing storm drain facilities and their connections are shown; the identification of other public facilities are discussed in the Statement of Justification; the development standards in Part 6 of the Zoning Ordinance will generally be applied, and the few modifications are in the Statement of Justification (and were discussed herein); and

public benefits and project amenities are in the Statement of Justification (and were discussed herein).

I recommend that the PD Conditions of Approval should be attached to the Basic Plan to ensure that they travel together, and that the Basic Plan must identify particular accessory or temporary uses since the express language in Section 27-4301 states that the Basic Plan "shall ... establish the specific principal, accessory, and temporary uses permitted in the zone ... consistent with the Principal Use Tables...." Similarly, language in Section 27-4303 (a)(1) provides that the "specific principal, accessory, and temporary uses allowed in an individual NAC-PD Zone shall be established in the PD Basic Plan ... [and] shall be consistent with the applicable Area Master Plan ...." If this language is to be given any meaning, as required by general tenets of statutory construction, the accessory and temporary uses should be identified in the same manner as the principal. I also recommend that a minimum number of electric vehicle charging stations be required now, and not "considered" later, because there will surely be a large number of cars in the parking structure, given the number of residents.

#### Adverse Impact upon Surrounding Properties (Section 27-3602(c)(4))

(4) The RTO-PD Zone clearly allows applicant to reduce the inflexibility of base zone standards in order to select the form and design of the multifamily dwelling; to address the best ways for pedestrians, bicyclists, transit users, and vehicles to circulate; to design the building in a manner that protects the natural features of the land and the environment; and to address open space and civic space, and design amenities. (Section 4301 (a)(1) and (2)) The applicant provided a PD Basic Plan using its Statement of Justification ("Statement of Justification") as the statement of Planning and development goals and as its PD Conditions of approval. The Statement of Justification addressed the uses permitted in the zone, although I believe these must be specifically spelled out and included on the Basic Plan. The Basic Plan established the general location of the development, the acreage, the mix of uses provided, and the density and nonresidential intensity, consistent with the general purposes of all PD zones and the specific requirements of the NAC-PD Zone. The development standards are shown, for the most part, with the understanding that lighting and other standards will be more fully fleshed out at the time of detailed site plan review. Open space is addressed as well as access to the adjacent Park. There is a small area of environmentally sensitive land on the site, as shown on the Basic Plan, and the area is not within the building envelope. There are no on-site or adjacent historic sites, resources, districts, or other archeological/cultural resources. The on-site pedestrian circulation is identified, as well as the off-site connections. Interconnectivity with abutting parcels will be addressed during later applications. The on-site transportation circulation and its interconnection with pedestrian circulation are illustrated on the Basic Plan. The PD Basic Plan notes that the property is within Water and Sewer Category 3; thus, the building will have access to water and sewer as soon as it is ready to connect thereto. The General location of all other public facilities is addressed in the Statement of Justification. The

ZMA-2024-002

Page 52

Statement of Justification and PD Conditions of Approval were revised to add the requested modifications are on the Basic Plan or will be added. Additional information will be provided in the review of applications that will occur later, if the request is approved. (Section 27-4301(d))

(5) The City of College Park's conditions concerning the provision of 10% of the beds as moderately priced student housing should be tied somehow to this approval, since student housing was considered by Mr. Lenhart in his traffic impact analysis and was often discussed in the record, as allowed in Section 27-1503(a) of the Zoning Ordinance. I, therefore, recommend that evidence of an agreement between the City and the applicant be submitted at the time of the preliminary plan of subdivision review.

(6) Finally, given the density on site it's very likely that some residents will have cars, and some of these will be electric. I therefore believe a certain number of electric vehicle charging stations should be required, and not left up for discussion at a later date.

#### RECOMMENDATION

I recommend APPROVAL of ZMA-2024-002, subject to the following conditions and considerations:

1. Revise the Basic Plan to change the acreage to 4.53 acres; identify the specific accessory and temporary uses that will be allowed, and to attach the PD Conditions of Approval.
2. At least 25 percent fenestration for the street-facing façade area of the ground floor for each building shall be composed of windows and doors, exceeding the base zoning requirement of at least 15 percent, per Section 27-6903(g) of the Prince George's County Zoning Ordinance.
3. The development shall earn at least eight Green Building points from the Green Building Point System provided in Table 27-61603(b) of the Prince George's County Zoning Ordinance, exceeding the base zoning requirements of at least four points, per Section 27-61603 of the Zoning Ordinance.
4. At least 204 bicycle parking spaces within the development shall be provided, exceeding the base zoning requirements of at least 104 spaces, per Section 27-6309(a)(2) of the Prince George's County Zoning Ordinance.
5. In accordance with Section 27-4301(d)(1)(P) of the Prince George's County Zoning Ordinance, a publicly accessible greenway/pedestrian promenade shall be provided which shall include the following:

- a. Two plazas, one each at the north and south ends of the greenway/pedestrian promenade
- b. An Americans with Disabilities Act-compliant ramp ascending the steep portion at the northern end of the promenade, in addition to stairways at this location.
- c. One piece of public art (1) The detailed site plan shall identify the type(s) of artwork and shall show the approximate size and location of the artwork.
- d. At least four benches/seating areas
- e. At least one bicycle repair/"fix it" station
- f. One bicycle trough
- g. At least one piece of interactive artwork (1) The detailed site plan shall identify the type(s) of artwork, and shall show the approximate size and location of the artwork.
- h. At least two trash and two recyclable receptacles
- i. At least two wayfinding signs

6. In accordance with Section 27-4301(d)(1)(P) of the Prince George's County Zoning Ordinance, a publicly accessible greenspace/pocket park shall be provided in the specified portion of the property, which shall include at least the following:

- a. One piece of public artwork (1) The detailed site plan shall identify the type(s) of artwork, and shall show the approximate size and location of the artwork.
- b. One beehive, free little art gallery, or free little library
- c. One bench/seating area
- d. A pollinator garden
- e. One wayfinding sign

7. At the time of Detailed Site Plan review, the Site Plan shall include a section on required public benefits, as outlined in Conditions 1 through 5, their required features, and how the site plan satisfies these requirements.

8. At the time of Detailed Site Plan review, the applicant shall demonstrate that the side yard depth provides adequate light for dwellings impacted by the proposed development of the subject property, and that fire safety standards are met.

9. At the time of Detailed Site Plan review, the applicant shall demonstrate that a minimum number of 20 electrical charging spaces are provided for the proposed parking structures.

10. At the time of the Preliminary Plan of Subdivision, applicant and the City of College Park should submit evidence of the agreement and Declaration of Covenants concerning the provision of beds for eligible students whose income does not exceed 80% of the Area Median Income, and the reduced rent that will be charged per bed.

Considerations:

1. The applicant should consider orienting amenities, access points, and balconies toward the pedestrian promenade to further activate it. The buildings and pedestrian promenade should create a design centered around a theme or one that is cohesive,

making this a gateway to the University of Maryland, and should provide wayfinding signage and lighting that act as public art and provide architectural interest and wayfinding towards the university.

January 5, 2026

Re: Case No. ZMA-2024-002: The Mark at College Park  
**Notice of Appeal of Zoning Hearing Examiner Decision**

Dear Person of Record:

This letter is to inform you that an appeal and request for oral argument (the “**Appeal**”) from Decision of the Zoning Hearing Examiner (“**ZHE Decision**”) in Case No. ZMA-2024-002 filed with the District Council on December 4, 2025 will be filed by The Mark at College Park, LLC (“**Applicant**”) with the District Council on or before January 5, 2026. A copy of the Appeal is attached hereto as Exhibit A.

Once the Appeal is formally accepted by the District Council, it will be scheduled for a future District Council meeting. All persons of record may testify before the District Council. Persons arguing must adhere to the District Council’s rules of procedures, and argument shall be limited to thirty (30) minutes for each side, and to the ZHE record.

Sincerely,



Joe Dimarco, P.E.

Associate

Enclosure: Exhibit A

## AFFIDAVIT OF MAILING

The purpose of this affidavit is to certify that pursuant to Section 27-3414 of the Prince George's County Zoning Ordinance in effect as of April 1, 2022 and the Instructions for Filing provided in the Office of the Zoning Hearing Examiner's Notice of Decision, notice and copies of the appeal and request for oral argument from Decision of the Zoning Hearing Examiner in Case No. ZMA-2024-002 filed with the District Council on December 4, 2025 were mailed to all persons of record on January 5, 2026.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.

County/City of Frederick  
Commonwealth/State of Maryland  
I certify this to be the original document on this  
5th day of January 2026  
Kelli A. DiPietro  
Notary Public  
My Commission Expires: 1/13/27



Joe Dimarco, P.E.  
Associate

