



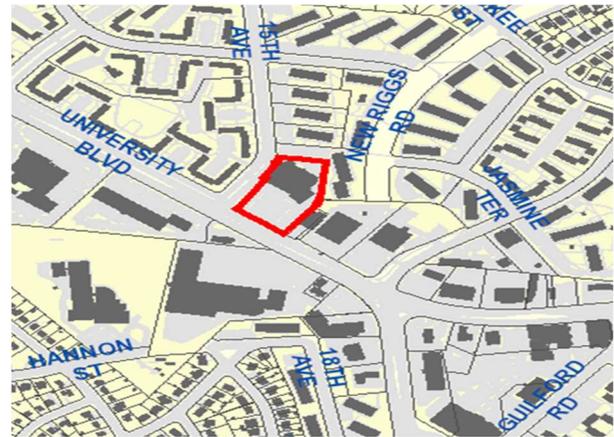
The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530

Note: Staff reports can be accessed at <https://www.mncppc.org/883/Watch-Meetings>

Departure from Design Standards **DDS-22005**
Departure from Parking and Loading Standards **DPLS-22007**
University Place Shopping Center

REQUEST	STAFF RECOMMENDATION
<p>DDS-22005: A departure from Section 27-558(a) of the prior Prince George's County Zoning Ordinance.</p> <p>DPLS-22007: A departure from Section 27-568(a) of the prior Prince George's County Zoning Ordinance.</p>	<p>With the conditions recommended herein:</p> <ul style="list-style-type: none"> • APPROVAL of Departure from Design Standards DDS-22005 • APPROVAL of Departure from Parking and Loading Standards DPLS-22007

Location: On the northeast corner of University Boulevard and 15th Avenue.	
Gross Acreage:	2.05
Zone:	LTO-C
Prior Zone:	C-S-C
Gross Floor Area:	29,090 sq. ft.
Lots:	0
Parcels:	1
Planning Area:	65
Council District:	02
Municipality:	N/A
Applicant/Address: University Place Center LLC 15942 Shady Grove Road Gaithersburg, MD 20877	
Staff Reviewer: Todd Price Phone Number: 301-952-3994 Email: Todd.Price@ppd.mncppc.org	



Planning Board Date:	02/29/2024
Planning Board Action Limit:	N/A
Staff Report Date:	02/15/2024
Date Accepted:	01/03/2024
Informational Mailing:	07/07/2023
Acceptance Mailing:	11/29/2023
Sign Posting Deadline:	01/30/2024

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Departure from Design Standards DDS-22005
Departure from Parking and Loading Standards DPLS-22007
University Place Shopping Center

The Zoning staff have reviewed the departure from design standards and departure from parking and loading standards for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

EVALUATION CRITERIA

This application for a departure from design standards and a departure from parking and loading standards is being reviewed and evaluated in accordance with the Prince George's County Zoning Ordinance, effective prior to April 1, 2022 (prior Zoning Ordinance), as permitted by Section 27-1903(c) of the Zoning Ordinance. Section 27 1903(c) allows for development proposals of any type to utilize the prior Zoning Ordinance for development of a property. Accordingly, staff considered the following in reviewing this application:

- a. The requirements of prior approvals;
- b. The requirements of the prior Prince George's County Zoning Ordinance;
- c. The requirements of the 2010 *Prince George's County Landscape Manual*;
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- e. The requirements of the Prince George's County Tree Canopy Coverage Ordinance;
- f. Referral comments; and
- g. Community feedback.

FINDINGS

1. **Request:** The applicant proposes to reconfigure the front parking lot, due to acquisition of 10,335 square feet of property by the Maryland Department of Transportation (MDOT), for the construction of the Purple Line light rail. To accomplish this, the applicant requests the following:
 - a. The applicant requests a departure from design standards (DDS) per Section 27-558(a) of the prior Prince George's County Zoning Ordinance. Section 27-558(a) provides design standards for parking space sizes. Standard nonparallel parking spaces are required to measure 19 feet by 9.5 feet. Compact nonparallel parking spaces are required to measure 16.5 feet by 8 feet. The applicant requests that the proposed standard nonparallel spaces be reduced to 18 feet by 9 feet, to maximize the number of standard spaces within the remaining parking lot.
 - b. The applicant requests a departure from parking and loading standards (DPLS) per Section 27-568 of the prior Zoning Ordinance. Section 27-568 dictates the minimum number of parking spaces required. Accordingly, the site requires 124 parking spaces. The applicant proposes a reduction of 17 spaces, for a proposed total of 107 spaces.

The site is occupied by an existing integrated shopping center and associated parking lots in both the front and rear of the shopping center. The existing shopping center is fully leased to five tenants—two eating and drinking establishments, a pawnshop, a laundromat/hair salon, and a dialysis center. According to the applicant, the shopping center has operated since 1959 and its customers have been served by the existing parking lot. The applicant proposes to reconfigure the front parking lot to maximize the number of parking spaces on-site. The acquisition of land by MDOT encroached roughly 40 feet as measured from the prior right-of-way line. As a result, MDOT's acquisition reduced the number of parking spaces within the parking lot from 125 spaces to 85 spaces, which resulted in the parking lot no longer providing the number of parking spaces required under the prior Zoning Ordinance. Some of the 85 remaining spaces are unusable because the acquisition also encroached into the drive aisles of the parking lot, requiring a redesign of the circulation pattern and layout.

Under the prior Zoning Ordinance, 124 parking spaces are required for the shopping center. Integrated shopping centers with 25,000 to 400,000 square feet of gross leasable area (GLA) require one parking space per 250 square feet of GLA. A medical practitioner's office (medical clinics) occupying more than 20 percent of an integrated shopping center requires one parking space per 200 square feet of GLA. In this case, the dialysis center contains a total of 6,986 square feet, or 24 percent of the total shopping center. Accordingly, 35 parking spaces are required for the dialysis center and 89 parking spaces are required for the remainder of the integrated shopping center, for a total of 124 parking spaces. As noted above, following MDOT's acquisition of 10,335 square feet of the property, there are only 85 parking spaces within the parking lot.

2. **Development Data Summary:** The following chart summarizes the development for the overall University Place Shopping Center property.

	EXISTING	EVALUATED
Zone	LTO-C	C-S-C (Prior)
Use(s)	Commercial	Commercial
Total Acreage	2.05	2.05
Number of Lots	0	0
Parcels	1	1
Total Gross Floor Area (GFA)	29,090 sq. ft.	29,090 sq. ft.

Parking Tabulation

Use	Parking Ratio	Required parking Spaces
Medical Office	1 per 250 GLA	35
Integrated Shopping Center	1 space per 250 GFA	89
Total parking		124

Parking spaces provided	Number of spaces
Regular 9 ft. x 18 ft.	77
Parallel 8 ft. x 22 ft.	3
Compact 8.25 ft x 16.5 ft.	22
Handicap	5
Total parking with Departure	107
Percentage of parking departure	14%

3. **Location:** The subject site is located on the northeast corner of the intersection of University Boulevard and 15th Avenue. The property is inside I-95/495 (Capital Beltway) and consists of one parcel shown on Tax Map 32, Grid C-3, known as Parcel 76, which is recorded by deed, in Book 38900 page 195 of the Prince George’s County Land Records. The subject property is currently improved with a 29,090-square-foot integrated shopping center, originally constructed around 1959.
4. **Surrounding Uses:** All surrounding properties are currently within the Local Transit-Oriented-Core (LTO-C) Zone. The subject site is bounded to the north and northeast by multifamily development in the prior Multifamily Medium Density Residential (R-18) Zone; to the southeast by commercial uses in the prior Commercial Shopping Center (C-S-C) Zone; to the south and southwest by University Boulevard and commercial uses in the prior Multifamily High Density Residential (R-10) and C-S-C Zones beyond; and to the west by 15th Avenue and multifamily development in the R-18 Zone beyond.
5. **Previous Approvals:** There are no prior preliminary plans of subdivision (PPS) or final plats of subdivision for the subject property. Parcel 76 was created through subdivision by deed prior to January 1, 1982.

The following variances were heard and approved by the Prince George's County Board of Zoning Appeals on September 14, 1988, March 22, 1989, and April 5, 1989 (BZA Case No. 9498):

- a. A variance to Section 27-450(a)(1) of the prior Zoning Ordinance, for a 10-foot landscape strip.
- b. A variance to Section 27-450(a)(1) for a reduction by half of landscaping and screening.
- c. A variance to building setbacks, including 10 feet from the street, a 25-foot rear setback, and a 12-foot side setback.
- d. A variance to Section 27-462(b) of the prior Zoning Ordinance, for a street deemed to be 70 feet wide that allowed the existing right-of-way to suffice.

These variances are not affected by the proposed parking reconfiguration.

Prior to 1965, an addition to the shopping center was constructed that encroached into the right-of-way for 15th Avenue. To validate this encroachment, a Vacation Petition (V-91075) was approved on November 21, 1991, by the Prince George's County Planning Board via PGCPB Resolution No. 91-431.

The property is not subject to a natural resources inventory (NRI) or tree conservation plan (TCP).

6. Prince George's County Zoning Ordinance Requirements:

Departure from Design Standards: The criteria for approval of a DDS are set forth in Section 27-239.01(b)(7)(A) of the prior Zoning Ordinance. The required findings of Section 27-239.01(b)(7)(A) are shown in **BOLD** below, followed by staff responses in plain text:

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

The purposes of Subtitle 27 of the prior Zoning Ordinance will be better served by the applicant's proposal to provide 9 feet by 18 feet parking spaces, rather than the required 9.5 feet by 19 feet standard parking spaces. MDOT's acquisition of land from the property for the Purple Line renders the site too compact to accommodate the existing integrated shopping center and comply with the parking standards of the prior Zoning Ordinance. This acquisition has reduced the number of parking spaces from 125 to 85. Reconfiguring the parking lot to provide 9 feet by 18 feet parking spaces allows the applicant to maximize the number of spaces while maintaining an adequate parking space size. With the departure, the applicant can provide 22 additional parking spaces which will bring the total

number of spaces closer to the required 124 spaces. Furthermore, the proposed 9 feet by 18 feet dimension is the standard parking space size in the current Zoning Ordinance, effective April 1, 2022, as well as for many local jurisdictions, including neighboring Montgomery County. Accordingly, staff find the requested departure will serve the purposes of the prior Zoning Ordinance better than providing the required standard 9.5 feet by 19 feet parking spaces.

(ii) The departure is the minimum necessary, given the specific circumstances of the request.

Given the site constraints due to the acquisition of land related to the construction of the Purple Line, the requested departure is the minimum necessary to recover as much parking as possible. By reducing the parking space size from 9.5 feet by 19 feet to 9 feet by 18 feet, the applicant can provide additional parking spaces on-site. This reduces the required DPLS to 17 parking spaces.

(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;

This departure is necessary due to the circumstances resulting from MDOT's acquisition of land related to the construction of the Purple Line. The acquisition reduces the area of the existing parking lot on-site, thereby requiring the applicant to reconfigure it to provide adequate parking. By decreasing the parking space size from 9.5 feet by 19 feet, to 9 feet by 18 feet, the applicant can provide adequate parking for the existing uses within the property's shopping center.

(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

As shown on the site plans, the proposed reconfiguration of the front parking lot will not impair the visual, functional, or environmental quality or integrity of the site, or of the surrounding neighborhood. New striping and landscaping will be installed which will update the parking lot and increase its visual appeal.

Based on the preceding analysis, staff find that the required findings for approval set forth in Section 27-239.01(b)(7)(A) are met for DDS-22005.

Departure from Parking and Loading Spaces: The criteria for approval of a DPLS are set forth in Section 27-588(b)(7)(A) of the prior Zoning Ordinance. The required findings of Section 27-588(b)(7)(A) are shown in **BOLD** below, followed by staff responses in plain text:

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

(i) The purposes of this Part (Section 27-550) will be served by the applicant's request;

Staff find that the four purposes listed under Section 27-550 of the prior Zoning Ordinance will be served by the applicant's request. The purposes of Part 11 of the prior Zoning Ordinance are shown in **BOLD** below, followed by staff's analysis in plain text.

[Section 27-550. Purposes

(a) The purposes of this Part are:

(1) To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;

The proposed 107 spaces will be sufficient to serve the uses of the existing shopping center. According to the applicant's statement of justification (SOJ), a significant amount of the shopping center's customers arrive by foot or by mass transit. A Washington Metropolitan Area Transit Authority bus stop is located on University Boulevard, directly across 15th Avenue, from the property. In addition, the construction of the Purple Line will result in a proposed light rail station less than 300 feet east of the property. The applicant also points out that in the current LTO-C Zone, there is no minimum parking requirement, but the applicant would have to bring all aspects of the site into compliance with the current code.

The applicant's SOJ also notes that a parking study dated October 2021 and conducted by the Maryland-National Capital Park and Planning Commission, for the Takoma/Langley Crossroads area, found no shortfall of available parking for the commercial areas within the study boundary. This study included the subject property. Although this study was conducted prior to the acquisition of land by MDOT for this property, staff took this into consideration regarding the request for reduced parking at the site.

Staff find that a reduced number of parking spaces is appropriate at this location.

(2) To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;

The proposed reconfiguration will not affect the location of two existing access points, one from University Boulevard and one from 15th Avenue. Maintaining single access points from each road will continue to relieve traffic congestion on those streets. Adequate on-site parking provided by the shopping center will reduce the use of public streets for parking and loading and protect the character of the nearby residential streets.

(3) To protect the residential character of residential areas; and

The proposed reconfiguration will protect the residential areas by recouping on-site parking lost to the MDOT land acquisition, and thus, reduce the need for parking along public streets and residential areas.

(4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.]

As previously noted, the shopping center has been serving the community since 1959. The reconfiguration of the parking lot will provide convenient parking and loading areas for this existing community amenity.

(ii) The departure is the minimum necessary, given the specific circumstances of the request;

Given the site constraints due to MDOT's acquisition of land from the property, for the construction of the Purple Line, the requested departure is the minimum necessary. The applicant has also requested a DDS reduction of parking space size and parking layout to maximize the number of parking spaces on-site. Further adjustments cannot be made to provide additional parking nor is additional parking necessary, as noted above.

(iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;

This departure is necessary due to the circumstances resulting from MDOT's acquisition of land related to the construction of the Purple Line. As noted above, the acquisition reduced the number of parking spaces at the property by 40 spaces, from 125 spaces to 85 spaces. However, because the existing

shopping center requires 124 spaces, the applicant proposes to reconfigure the parking area, to recoup 22 spaces. This reconfiguration will give the shopping center 107 spaces, which is 17 shy of the required 124 spaces required. Thus, this departure is necessary.

The primary structure was constructed in 1959 and did not exist before 1949.

- (iv) **All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and**

The applicant has employed all methods of calculating the number of spaces required.

- (v) **Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

Staff find that sufficient on-site parking and loading for the shopping center will prevent customers and delivery vehicles from infringing on the parking and loading needs of adjacent residential areas.

Based on the preceding analysis, staff find that the required findings for approval set forth in Section 27-588(b)(7)(A) are met for DPLS-22007.

7. **2010 Prince George's County Landscape Manual:** As stated in Section 1.1, Applicability, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), this site is exempt from the requirements of the Landscape Manual because it is a developed site that was otherwise lawful on December 13, 2010, and the applicant's proposed changes to the parking lot do not require a building or grading permit. The existing improvements were constructed prior to the adoption of the Landscape Manual. There is no increase in impervious area. However, the site plans contain a chart entitled "Landscape Development Statistics" which conforms to the requirements that pre-date the Landscape Manual. Specifically, the parking lot provided five percent of interior green area under prior approvals. Prior to MDOT's acquisition, part of the parking lot contained a total of 46,170 square feet, requiring 2,309 square feet of interior green area. A total of 2,709 square feet was provided. MDOT's acquisition reduced the area of the parking lot to 38,430 square feet, thereby reducing the required green area to 1,947 square feet. The total interior green area provided is 2,258 square feet, which exceeds the minimum five percent previously required.

Staff find that the proposed plantings and green area meet previous landscape requirements.

8. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO):** The site does not have a valid NRI or TCP. According to PGAtlas, no regulated environmental features or County regulated 100-year floodplain are mapped within this site. The site is entirely developed with a parking lot, existing building, and associated circulation. These application types do not require an NRI or TCP. However, if a grading

permit is required, a standard letter of exemption from the WCO and an NRI equivalency letter will be required at the time of permit.

9. **Prince George’s County Tree Canopy Coverage Ordinance:** Given that this reconfiguration does not propose 5,000 square feet or greater of gross floor area or disturbance, or require a building or grading permit, these cases are exempt from the Tree Canopy Coverage Ordinance.
10. **Referrals:** The subject applications were referred to the concerned agencies and divisions. The referral comments are incorporated herein by reference, and are summarized as follows:
 - a. **Community Planning**—In two separate memorandums dated January 31, 2024 (Perry to Price), the Community Planning Division provided an analysis of the subject applications DDS-22005 and DPLS-22007. No issues were identified.
 - b. **Transportation Planning**—In a memorandum dated January 29, 2024 (Daniels to Price), the Transportation Planning Section offered an analysis of the subject applications and recommends approval of DDS-22005 and DPLS-22007.
 - c. **Permit Review**—In a memorandum dated November 6, 2023 (Shaffer to Price), the Permit Review Section offered comments, one of which has been incorporated as Condition 1.g. in the Recommendation section of this technical staff report.
 - d. **Environmental Planning**—In a memorandum dated January 22, 2024 (Juba to Price), the Environmental Planning Section provided an analysis of the subject applications, and no environmental issues were identified. The Environmental Planning Section recommends approval of DDS-22005 and DPLS-22007.
 - e. **Subdivision**—In a memorandum dated January 29, 2024 (Gupta to Price), the Subdivision Section provided an analysis of the subject applications and offered comments, one of which has been included as Condition 1.h. in the Recommendation section of this technical staff report. Subdivision staff noted that since the shopping center was in existence prior to January 1, 1990, and Parcel 76 was created through subdivision by deed prior to January 1, 1982, this development is exempt from the requirement of filing a PPS and a final plat of subdivision.
 - f. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated January 30, 2024 (Giles to Price), DPIE offered an analysis of the subject applications and had no objections to DDS-22005 and DPLS-22007.
11. **Community Feedback:** As of the writing of this technical staff report, there has not been any community opposition or feedback for these applications.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Zoning staff recommend that the Planning Board adopt the findings of this technical staff report and APPROVE Departure from Design Standards DDS-22005, and Departure from Parking and Loading Standards DPLS-22007, for University Place Shopping Center, subject to the following condition:

1. Prior to certification, the site plans shall be revised as follows:
 - a. Show handicap ramps on the plan and label.
 - b. Remove bollards that obstruct a handicap ramp.
 - c. On the site plans, distinguish circular planting count labels from circular parking count labels by providing a different shape around planting numbers.
 - d. Provide a photometric plan of the entire site.
 - e. Provide bike racks within 25 feet of the principal building.
 - f. Relocate the "Do Not Enter Sign" from the east side of the building to the west side of the building.
 - g. Drive aisle widths of all entrances and exits shall be demonstrated on the site plan.
 - h. The bearings and distances of the new property boundary along University Boulevard shall be shown on the site plan.
 - i. Revise the parking schedule to label medical office square footage as gross leasable area.

UNIVERSITY PLACE SHOPPING CENTER

Departure from Design Standards

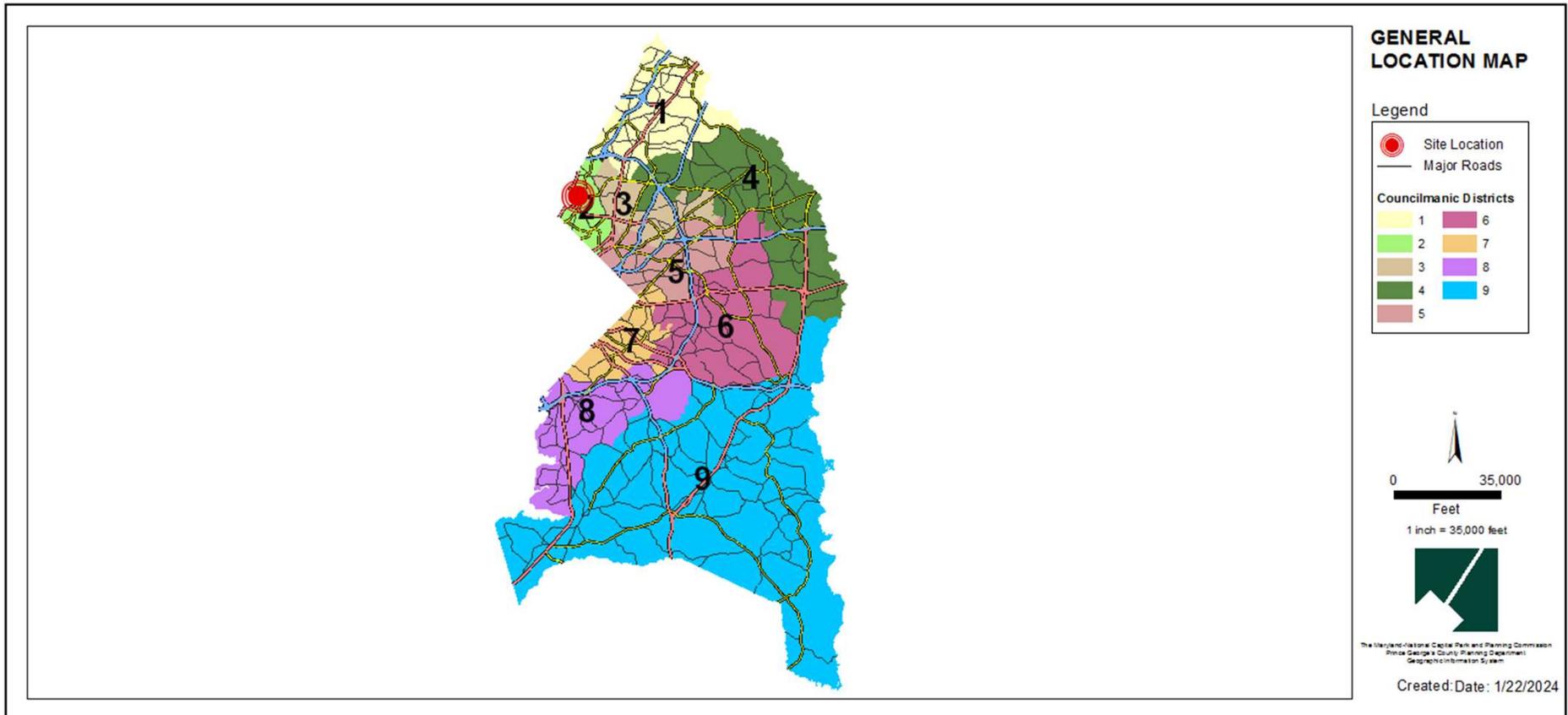
Companion Case : DPLS-22007

Staff Recommendation: APPROVAL with conditions



GENERAL LOCATION MAP

Council District: 02
Planning Area: 065



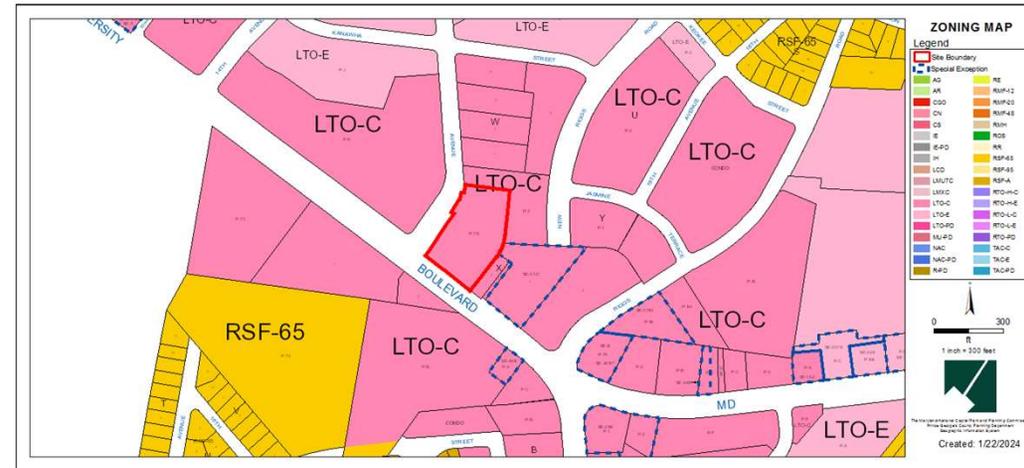
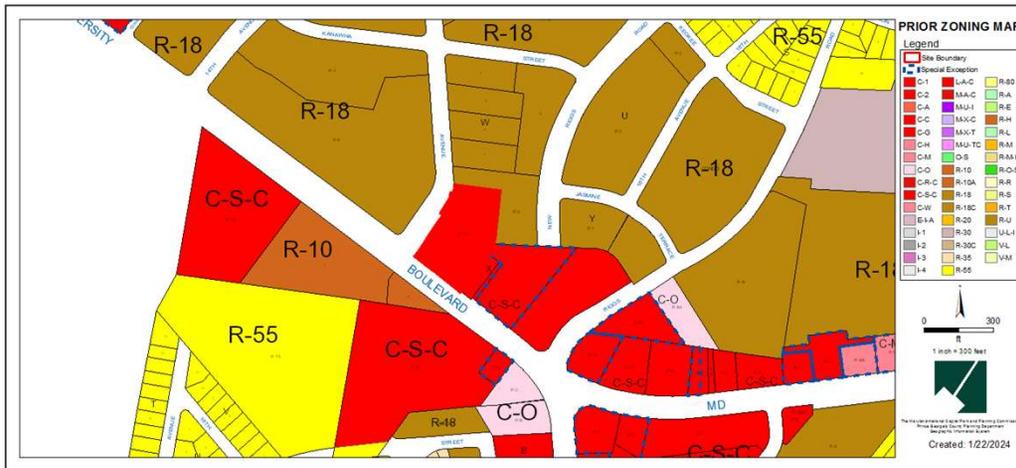
SITE VICINITY MAP



ZONING MAP (PRIOR AND CURRENT)

Prior Property Zone: C-S-C

Current Property Zone: LTO-C



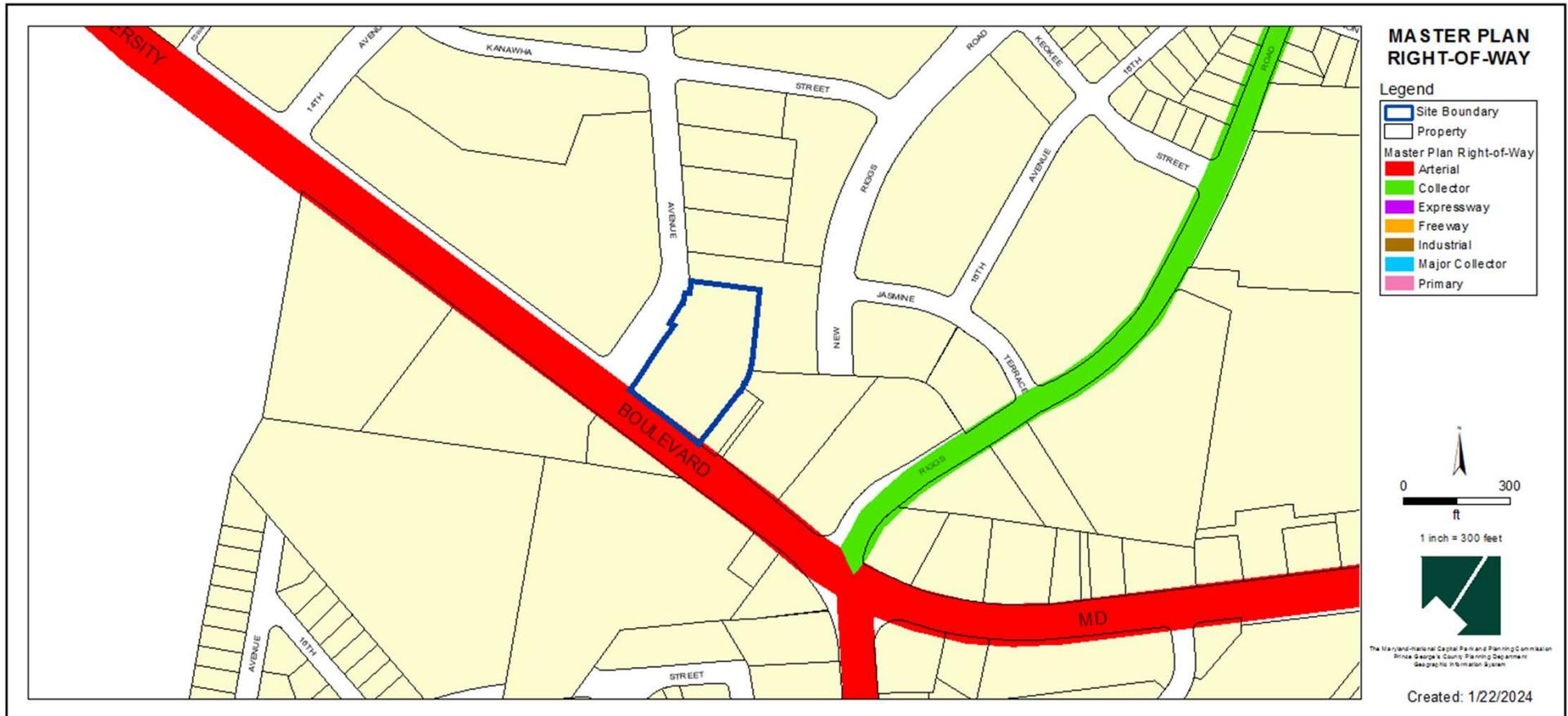
AERIAL MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



STAFF RECOMMENDATION

Departure from Design Standards DDS-22005

Departure from Parking and Loading Spaces DPLS-22007

- **APPROVAL** with conditions

Major Issues:

- None

Applicant Required Mailings:

- Informational Mailing 7/7/2023
- Acceptance Mailing 11/28/2023

**STATEMENT OF JUSTIFICATION
DEPARTURE FROM DESIGN STANDARDS
DDS-22005
UNIVERSITY PLACE SHOPPING CENTER
August 15, 2023
Revised November 30, 2023
Revised January 24, 2024**

APPLICANT

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1.0 INTRODUCTION/OVERVIEW

The applicant for this Departure from Design Standards is University Place Center, LLC ("Applicant"). The Applicant is also the majority owner of the property which is the subject of this application, known as the University Place Shopping Center. A companion Departure from the Number of Parking and Loading Standards, referenced as DPLS-22007 has also been filed and will be processed concurrently with this application.

The property which is the subject of this application is located at 1500 University Boulevard, Hyattsville, Maryland 20783. The property may be more particularly described as Parcel 76 on Tax Map 32, Grid C-3 (the "Subject Property"). As will be described in greater detail below, the purpose of these companion applications is to permit the Applicant to reconfigure an existing parking lot serving the shopping center as the result of a taking of land by the Maryland Department of Transportation ("MDOT") to construct the Purple Line along University Boulevard. This taking reduced the size of the parking lot such that the property no longer has the minimum number of parking spaces required. If approved, these applications will allow the Applicant to modify the parking lot and increase the number of parking spaces which currently exist. Doing so will allow the Applicant to provide enough spaces to meet the needs of the

existing and future tenants and to create a layout that provides safe and adequate circulation.

2.0 SUBJECT PROPERTY

The Subject Property is in the northeast corner of the intersection of University Boulevard and 15th Avenue. The Subject Property is currently zoned LTO-c but was zoned C-S-C under the prior Zoning Ordinance. The Subject Property is improved with a shopping center containing a total of 29,090 square feet, originally constructed in or about 1959. The Subject Property is fully leased to five tenants—two eating and drinking establishments, a pawnshop, a laundromat/hair salon and a dialysis center. Parking is provided based upon the requirements for an integrated shopping center, with the exception of the dialysis center. The dialysis center is parked as a medical clinic because it exceeds 20% of the gross leasable area of the shopping center. The required parking is 124 parking spaces. Prior to the taking by MDOT, the shopping center had a total of 125 parking spaces.

3.0 JUSTIFICATION FOR FILING APPLICATION PURSUANT TO OLD ZONING ORDINANCE

The Zoning Ordinance which went into effect on April 1, 2022 permits applications to be filed pursuant to the provisions of the prior Zoning Ordinance. The Applicant submits this application pursuant to the provisions of the prior Zoning

Ordinance. Section 27-1904(b) requires that a Justification Statement be included with any application filed under the provisions of the prior Zoning Ordinance. The attorney for the Applicant explored the feasibility of addressing the parking issue under the current Zoning Ordinance since in the LTO-c Zone, no minimum parking is required and a DPLS would not have been necessary. However, transitioning to the new Zoning Ordinance would have triggered use issues and any future modification to the building would have triggered requirements that the site cannot meet. After extensive discussion with Deputy Director Derick Berlage, it was agreed that proceeding under the provisions of the prior Zoning Ordinance was the best course of action in this instance.

4.0 DEVELOPMENT HISTORY OF PROPERTY

As noted above, the existing shopping center was constructed in or around 1959. In December 1986, the property was conveyed to N'Eyesh Properties. This entity ultimately became University Place Center, LLC, the Applicant. Thus, the Applicant has owned the property for over 36 years. Despite its age, the property has been well maintained and 100% occupied. It is located in a highly populated area and many of the customers of the center arrive on foot. After the Subject Property was developed, changes in development regulations which occurred over the years caused the existing improvements to no longer comply with all the

requirements of the Zoning Ordinance. As a result, the Applicant sought and obtained variances to bring the existing improvements in conformance with current requirements.

NOTE: The following variances were heard and approved by the Board of Zoning Appeals on 9-14-1988, 3-22-1989 and 4-5-1989. (BZA Case No. 9498.)

<u>Section of Ordinance</u>	<u>Requirement Summarized</u>	<u>Extent of Variance</u>
27.450(a)(1)	10' landscape strip	10'
27.450(a)(2)	½ of yards landscaped and screening	full
27.462(b)	building setbacks: 10' from street; 25' rear; 12' side	full
27.462(b)	street deemed to be 70' wide	existing r.o.w. to suffice

In addition to the variances listed above, an addition was constructed onto the shopping center prior to 1965 that encroached into the right of way for 15th Avenue. To validate this encroachment, the Applicant filed Vacation Petition No. V-91075 to vacate a portion of the right of way to allow this addition to remain. That Petition to Vacate the right of way of 15th Avenue was approved by the Prince George's County Planning Board pursuant to Prince George's County Planning Board Resolution No. 91-431.

It is also noted that the existing improvements were constructed prior to the adoption of the Landscape Manual. As a result, the site plan contains a chart entitled "Landscape Development Statistics" which conforms to the requirements which pre-date the Landscape Manual. Specifically, the parking lot provided 5% interior green area under prior approvals. Prior to the SHA taking the parking lot contained a total of 46,170 square feet, requiring 2,309 square feet of interior green area. A total of 2,709 square feet was provided. After the taking by the State Highway Administration, the area of the parking lot is now reduced to 38,430 square feet, reducing the required green area to 1,947 square feet. In order to improve the efficiency of the parking lot, some of the landscape islands are being relocated, but the total interior green area provided is 2,258 square feet, which exceeds the minimum 5% previously required and provided.

During SDRC review, a question was raised as to the percentage of interior green area required. Pursuant to Section 4.3.1 of the Landscape Manual, parking lots with an area between 7,000-49,999 sq. ft. are required to provide 8% of interior planting area. However, Section 1.1 of the Landscape Manual addresses applicability. Section 1.1(b) provides that "existing conditions on developed sites not in conformance with the requirements of this manual that were otherwise lawful on December 13, 2010, and not the subject of any building or grading

permit may continue as a matter of right.” In this case, the Applicant is not doing anything that will trigger a building permit. While landscaping islands are provided to ensure that the interior landscaping satisfies the 5% of interior green area that previously existed after the Purple Line taking, the limit of disturbance has been kept below 5,000 square feet. As a result, pursuant to Section 32-127(a)(6)(A) of the Grading Code, no grading permit is required.

In addition to Section 1.1, there are other provisions which exempt existing parking lots from the application of section 4.3.

- Section 1.1(d) provides that building permits which do not involve an increase in impervious surface and do not involve an increase of GFA are exempt from Section 4.3. As noted, the Applicant will not need a building permit to implement the proposed revisions and thus there is no increase in impervious area.
- Section 1.1(g)(1) provides that “Permits for any building renovation, expansion or change of use that does not necessitate an increase in the number of parking or loading spaces beyond the number currently existing” are exempt from Section 4.3. The Applicant proposes no changes that necessitate an increase in the number of parking spaces. In fact, the companion Departure from Parking and Loading Standards is submitted to allow the project to operate with

fewer parking spaces than existed previously. Section 1.1(g)(1) further states that site renovations that result in the creation of additional impervious area do require the entire parking facility associated with the property to be subject to Section 4.3, but new impervious area is not being created by this proposal.

- Section 1.1g)(4) provides that "restriping of an existing parking compound whether or not it results in an increase in the number of parking spaces when no new impervious area is created" is also exempt from Section 4.3. The taking by the Purple Line makes the existing configuration of the parking lot unworkable. The proposed restriping will recoup as many spaces as possible by reconfiguring drive aisles to be more efficient. As noted above, while any green area lost by the taking is being restored to the 5% that existed previously, this does not result in an increase in impervious area.

Based on the above, the Applicant submits that the proposed modifications are exempt from the Landscape Manual.

5.0 DEVELOPMENT PROPOSAL

As noted above, the Subject Property has been impacted by the construction of the Purple Line, which extends along the north side of University Boulevard. In fact, the State Highway Administration has now acquired 10,335 square feet of the Subject Property, roughly taking 40 feet of land measured from the prior

right-of-way line. The taking of this land removes over 40 parking spaces, which will reduce the parking below what the Applicant believes is necessary to support the existing and future tenants. Thus, the Applicant is seeking to restripe the parking lot reconfigure the front parking field to recoup as many spaces as possible. To do this, two applications will be required. First, the Applicant is seeking to utilize 9' X 18' parking spaces rather than 9.5' X 19' parking spaces to provide a few more spaces and provide more room for driveway aisles. Second, the Applicant will only be able to provide a total of 107 parking spaces following the reconfiguration, which is still less than the minimum required. Thus, a Departure from the Number of Parking and Loading Spaces of 17 spaces will be required.

SHA has recently begun mobilizing for construction and the impact of this activity on the availability of parking accentuates the need for the Applicant needs to obtain approval of a new site plan and to be in a position to obtain a new use and occupancy permit if a tenant leaves.

SUMMARY OF REQUIRED DEPARTURE

The regulations governing the design of off-street parking and loading spaces are set forth in Part 11 of the Prince George's County Zoning Ordinance. Section 27-558(a) governs the size of parking spaces. This Section provides that nonparallel standard car spaces shall measure 19' x 9½' and permits up to

one-third of the required spaces to be compact car spaces measuring 8' x 16½'. By reconfiguring the remaining parking lot, the applicant is providing 107 parking spaces, with 77 spaces measuring 18' x 9', 25 compact space and 5 handicapped spaces.

It is noted that under the provisions of the current Zoning Ordinance, the standard size of a parking space is now 9' X'18'. Since this application is filed pursuant to the provisions of the former Zoning Ordinance, where the standard parking space size is 9.5' X 19 feet, this departure is required. The Applicant submits that there is ample justification for modifying the size of the parking spaces provided on site.

Maximizing the number of parking spaces within the remaining paved area is critical to satisfying the parking needs of the shopping center. The parking space size of 9' X 18' has been adopted by many local jurisdictions, including Montgomery and Prince George's County. The modest reduction in the depth and width of the spaces from the standard in the former Zoning Ordinance allows for adequate aisle widths to be provided and allows for a few additional parking spaces over that which could be achieved without the departure.

CRITERIA FOR APPROVAL

The criteria for approval of a Departure from Design Standards are set forth in Section 27-239.01(b)(7)(A). For the

Planning Board to grant a departure, it shall make the following findings:

(1) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

The purposes of Part 11 of the Zoning Ordinance addressing Parking and Loading are found in Section 27-550. For parking, the primary purpose is to ensure that all buildings and uses provide off street parking which is "...sufficient to serve the parking and loading needs of all persons associated with the buildings and uses." The applicant submits that the purposes of the parking and loading regulations will be equally well or better served by the proposed site plan.

The applicant is proposing that all parking spaces, except for compact spaces and the spaces provided for the physically handicapped, be 9' x 18'. Section 27-558(a) requires that standard nonparallel parking spaces measure 9½' x 19' while nonparallel compact car spaces must be 16½' x 8'. The difference between the required standard car space measurement and the 9' x 18' space the applicant is proposing is insignificant as they provide ample room for vehicles to park safely on site and are a common space size in the region. Reducing the parking space size is critical, however, to maximize the number of parking spaces on site and providing driveway aisle widths that meet the requirements of the Zoning Ordinance. This creates a more

efficient and functional parking layout and will serve the purposes of the subtitle equally well.

(2) The departure is the minimum necessary, given the specific circumstances of the request;

The departure from Section 27-558(a) sought by the applicant for its proposed 9' x 18' parking spaces is the minimum necessary given the specific circumstances of this request. As noted above, the reduction in the size of the parking lot requires the remaining parking area to be reconfigured. There is no other place on the Subject Property to add additional property and maximizing the available space can be accomplished by a small reduction in the parking space size. This will allow the reconfigured parking lot to operate efficiently without reducing the parking space size below that which is functional.

(iii) The departure is necessary in order to alleviate circumstances which are unique to this site or prevalent in areas of the County developed prior to November 29, 1949;

As discussed under the development history of the Subject Property, the existing buildings were constructed in 1959. However, the departure is necessary to alleviate circumstances unique to the site, as it is one of the properties impacted by takings needed to construct the Purple Line. The reduction in the area of the parking lot requires a reconfiguration and since that reconfiguration cannot reclaim all of the parking which

previously existed, the Applicant seeks to maximize the number of spaces while still creating a fully safe and functional parking lot. Allowing a modest reduction in the width and length of the standard size spaces to the standard contained in the new Zoning Ordinance is necessary to alleviating the impact of the Purple Line taking.

(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood;

The applicant submits that the requested departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood. The Subject Property has operated for over 60 years with a parking field between the building and University Boulevard. The reconfiguration of the parking area is required as a result of the Purple Line taking. Maximizing the number of spaces which can be provided will not in any way impair the visual integrity of the site or the functional quality or integrity of the site. The restriping of the parking lot, relocation of a few landscape islands and replanting of trees and shrubs which have died over the years will, in fact, improve the visual and environmental quality and integrity of the site and the surrounding neighborhood.

The departure from Section 27-558(a) will allow the site to provide adequately sized spaces and driveway aisles to

accommodate all types of vehicles visiting the site.

CONCLUSION

Based on all the foregoing reasons, the applicant respectfully requests approval of the requested departure.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'THOMAS HALLER', is enclosed in a rectangular box.

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**STATEMENT OF JUSTIFICATION
DEPARTURE FROM DESIGN STANDARDS
DPLS-22007
UNIVERSITY PLACE SHOPPING CENTER
AUGUST 15, 2023
REVISED JANUARY 24, 2024**

APPLICANT

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1.0 INTRODUCTION/OVERVIEW

The applicant for this Departure from Design Standards is University Place Center, LLC ("Applicant"). The Applicant is also the majority owner of the property which is the subject of this application, known as the University Place Shopping Center. A companion Departure from Design Standards, referenced as DDS-22005, has also been filed and will be processed concurrently with this application.

The property which is the subject of this application is located at 1500 University Boulevard, Hyattsville, Maryland 20783. The property may be more particularly described as Parcel 76 on Tax Map 32, Grid C-3 (the "Subject Property"). As will be described in greater detail below, the purpose of these companion applications is to permit the Applicant to reconfigure an existing parking lot serving the shopping center as the result of a taking of land by the Maryland Department of Transportation ("MDOT") to construct the Purple Line along University Boulevard. This taking reduced the size of the parking lot such that the property no longer has the minimum number of parking spaces required. If approved, these applications will allow the Applicant to modify the parking lot and maximize the number of spaces within the remaining parking lot. Doing so will allow the Applicant to provide enough spaces to meet the needs of the

existing and future tenants and to create a layout that provides safe and adequate circulation.

2.0 SUBJECT PROPERTY

The Subject Property is in the northeast corner of the intersection of University Boulevard and 15th Avenue. The Subject Property is currently zoned LTO-c but was zoned C-S-C under the prior Zoning Ordinance. The Subject Property is improved with a shopping center containing a total of 29,090 square feet, originally constructed in or about 1959. The Subject Property is fully leased to five tenants—two eating and drinking establishments, a pawnshop, a laundromat/hair salon and a dialysis center. Parking is provided based upon the requirements for an integrated shopping center, with the exception of the dialysis center. The dialysis center is parked as a medical clinic because it exceeds 20% of the gross leasable area of the shopping center. The required parking is 124 parking spaces. Prior to the taking by MDOT, the shopping center had a total of 125 parking spaces.

3.0 JUSTIFICATION FOR FILING APPLICATION PURSUANT TO OLD ZONING ORDINANCE

The Zoning Ordinance which went into effect on April 1, 2022 permits applications to be filed pursuant to the provisions of the prior Zoning Ordinance. The Applicant submits this application pursuant to the provisions of the prior Zoning

Ordinance. Section 27-1904(b) requires that a Justification Statement be included with any application filed under the provisions of the prior Zoning Ordinance. The attorney for the Applicant explored the feasibility of addressing the parking issue under the current Zoning Ordinance since in the LTO-c Zone, no minimum parking is required and a DPLS would not have been necessary. However, transitioning to the new Zoning Ordinance would have triggered use issues and any future modification to the building would have triggered requirements that the site cannot meet. After extensive discussion with Deputy Director Derick Berlage, it was agreed that proceeding under the provisions of the prior Zoning Ordinance was the best course of action in this instance.

4.0 DEVELOPMENT HISTORY OF PROPERTY

As noted above, the existing shopping center was constructed in or around 1959. In December 1986, the property was conveyed to N'Eyesh Properties. This entity ultimately became University Place Center, LLC, the Applicant. Thus, the Applicant has owned the property for over 36 years and is intimately familiar with the operation of the center, the needs of the existing tenants and the number of parking spaces which will be needed to serve the needs of the tenants. Despite its age, the property has been well maintained and 100% occupied. It is located in a highly populated area and many of the customers of the center arrive by

foot. After the Subject Property was developed, changes in development regulations which occurred over the years caused the existing improvements to no longer comply with all of the requirements of the Zoning Ordinance. As a result, the Applicant sought and obtained variances to bring the existing improvements in conformance with current requirements.

NOTE: The following variances were heard and approved by the Board of Zoning Appeals on 9-14-1988, 3-22-1989 and 4-5-1989. (BZA Case No. 9498.)

<u>Section of Ordinance</u>	<u>Requirement Summarized</u>	<u>Extent of Variance</u>
27.450(a)(1)	10' Landscape strip	10'
27.450(a)(2)	½ of yards landscaped and screening	full
27.462(b)	building setbacks: 10' from street; 25' rear; 12' side	full
27.462(b)	street deemed to be 70' wide	existing r.o.w. to suffice

In addition to the variances listed above, an addition was constructed onto the shopping center prior to 1965 that encroached into the right of way for 15th Avenue. In order to validate this encroachment, the Applicant filed Vacation Petition No. V-91075 to vacate a portion of the right of way to allow this addition to remain. That Petition to Vacate the right of way of 15th Avenue was approved by the Prince George's County Planning

Board pursuant to Prince George's County Planning Board
Resolution No. 91-431.

5.0 DEVELOPMENT PROPOSAL

As noted above, the Subject Property has been impacted by the construction of the Purple Line, which extends along the north side of University Boulevard. In fact, the State Highway Administration has now acquired 10,335 square feet of the Subject Property, roughly taking 40 feet of land measured from the prior right-of-way line. The taking of this land removes over 40 parking spaces, which will reduce the parking below what the Applicant believes is necessary to support the existing and future tenants. As can be see from the photo below, the Purple Line construction has forced vehicles to park in the remaining spaces on site, which are not efficiently laid out:



Thus, the Applicant is seeking to reconfigure the front parking field to recoup as many spaces as possible. To do this, two applications will be required. First, the Applicant is seeking to utilize 9' X 18' parking spaces rather than 9.5' X 19' parking spaces to provide a few more spaces and provide more room for driveway aisles. This is the subject of the companion Departure from Design Standards. Second, the Applicant will only be able to provide a total of 107 parking spaces following the reconfiguration, which is still less than the minimum required—although it is 22 more spaces than remain after the taking. Thus, this Departure from the Number of Parking and Loading Spaces is also required to reduce the number of spaces required from 124 to 107 (a reduction of 17 spaces). SHA has recently begun mobilizing for construction and the impact of this activity on the availability of parking accentuates the need for the Applicant needs to obtain approval of a new site plan and to be able to obtain a new use and occupancy permit if a tenant leaves.

During the SDRC meeting, Transportation Staff inquired how the access point on University Boulevard will interact with the Purple Line. The University Place Shopping Center is just east of the proposed Riggs Road Station. The University Boulevard Stations will be center median stations. The right of way acquired by the stat provided sufficient room to locate the station in the center median but will push the reconstructed

roadway into the former boundary of the Subject Property. The image below shows how the existing roadway is being shifted further north to make way for the Purple Line:



The image above shows the proposed Riggs Road Station in the median of the widened roadway. Thus, access to the property by vehicles is maintained along University Boulevard, albeit shifted to the north to make room for the tracks in the median of the roadway.

6.0 SUMMARY OF REQUIRED DEPARTURE

The regulations governing the design of off-street parking and loading spaces are set forth in Part 11 of the Prince George's County Zoning Ordinance. The minimum number of parking spaces required is set forth in Section 27-568 of the Zoning Ordinance. As noted above, the Subject Property is improved with an integrated shopping center containing a total of 29,090 square feet, originally constructed in or about 1959. The Subject Property is fully leased to five tenants—two eating and drinking establishments, a pawnshop, a laundromat/hair salon and a dialysis center. While integrated shopping centers with more than 25,000 feet are typically parked at a ratio of one parking space per 25,000 square feet, that ratio does not apply to medical practitioner's offices (medical clinics) when the square footage devoted to such uses exceeds 20% of the total shopping center. In this case, the dialysis center contains a total of 6,986 square feet, or 24% of the total shopping center. This requires the number of spaces devoted to the medical offices to be calculated at 1 space per 200 square feet. Under this

calculation, 35 parking spaces are required for the dialysis center and 89 parking spaces are required for retail uses, for a total of 124 parking spaces.

While 125 parking spaces existing prior to the Purple Line taking, the area required for the Purple Line contained all or part of 40 spaces. Not only did this reduce the number of spaces on site to approximately 85 spaces, all the remaining spaces are not accessible, requiring a reconfiguration of the parking lot. If reconfigured as proposed (and assuming approval of the companion DDS), the Applicant will be able to have a total of 107 parking spaces, 17 less (or 14% fewer) than required. The reconfiguration will, however, add 22 more than remain after the taking.

7.0 CRITERIA FOR APPROVAL

Departures from the off-street parking requirements may be granted by the Planning Board in accordance with the provisions of Section 27-588 of the Prince George's County Zoning Ordinance. Section 27-588(b)(8) sets forth the required findings which the Planning Board must make in order to grant a requested departure from the off-street parking requirements. Those findings are as follows:

- (1) That the purposes of this Part will be served by the applicant's request;**

The purposes of the parking requirements are set forth in Section 27-550. Those purposes generally are to ensure that any

use provides sufficient off-street parking to service said use and to lessen traffic congestion on the streets by reducing the use of the streets for parking. The applicant submits that its proposal in this case satisfies the purposes for requiring off-street parking.

As set forth above, the Subject Property is improved with an integrated shopping center exceeding 25,000 square feet. If no medical use occupied the shopping center, a total of 117 parking spaces would be provided. However, the dialysis center increases the number of required spaces to 124. A total of 107 spaces will exist after reconfiguring the parking lot. For the reasons set forth below, the Applicant submits that the number of spaces provided is adequate to serve the needs of the shopping center.

First, as noted above, the Applicant has owned the shopping center for over 30 years and is intimately familiar with its operations. Due to its location in an urban area of the County, many of the customers patronizing the center arrive by foot or by bus, reducing the number of parking spaces required. A WMATA bus stop is located on University Boulevard directly across 15th Avenue from the Subject Property. In addition, the reduction in the number of spaces resulting from the construction of the Purple Line is offset by the fact that light rail transit is being constructed, with the proposed station less than 300 feet from the Subject Property. The proximity of mass transit, the

availability of bus service and the urban nature of the area reduce the reliance on automobiles to access the center. The proximity of the proposed Riggs Road Station Platform to the Subject Property can be seen on the image below:



The above image also shows that the station will be in the median of the road, maintaining access to the side from University Boulevard.

The reduced need for parking spaces is further evidenced by the fact that under the new Zoning Ordinance, parking regulations were revised to reflect the reduced need for minimum parking requirements in transit-oriented areas and inside the Capital Beltway. As referenced above, in the LTO-c Zone, there is no minimum parking requirement. Further, in any other zone inside the Capital Beltway, for a shopping center of this size, the

minimum parking requirement is one space per 300 square feet of retail and one space per 400 square feet of office. Utilizing these ratios, the total number of required parking spaces would be 92 spaces. While these regulations are not applicable to the Subject Property, they demonstrate that 107 parking spaces which will result from the reconfiguration of the parking lot are sufficient to meet the needs of an integrated shopping center in close proximity to mass transit located inside the Capital Beltway.

The Applicant would also note, as discussed in greater detail below, that an October 2021 parking study conducted by the Maryland-National Capital Park and Planning Commission for the Takoma/Langley Crossroads area found that there was not a shortfall of available parking for the commercial areas within the boundaries of the study, which included the Subject Property. Concerns were raised by some commercial properties, however, about the loss of parking caused by the Purple Line and the need to reconfigure parking lots, as is proposed in this application.

Based on all of the above, the applicant submits that it is clear that the requested departure would, if granted, satisfy the purposes of the parking regulations set forth in Section 27-550 and would in no way impair any of the purposes of the Zoning Ordinance generally.

(2) The departure is the minimum necessary,

given the specific circumstances of the request;

The request which the applicant is making is the minimum necessary. The taking of land by the Purple Line reduces the size of the existing parking lot and impacts the ability to access the remaining parking spaces. Thus, the parking lot needs to be reconfigured. With the reduction in the size of a standard size parking space to 9' X 18' requested in the DDS, the Applicant is able to provide a total of 107 parking spaces. This is the maximum number that can reasonably be located on site. With 124 spaces required, the departure of 17 spaces is the minimum departure necessary, given the specific circumstance of the request.

(3) The departure is necessary in order to alleviate certain circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in order areas of the County which were predominantly developed prior to November 29, 1949;

As discussed under the development history of the Subject Property, the existing buildings were constructed in 1959. However, the departure is necessary to alleviate circumstances unique to the site, as it is one of the properties impacted by takings needed to construct the Purple Line. The reduction in the area of the parking lot reduces the number of parking spaces below the minimum requirements. However, as set forth above, the number of spaces which can be achieved by reconfiguring the

remaining parking field will reasonably satisfy the parking requirements for a shopping center of this size located near mass transit and inside the Capital Beltway. Notwithstanding, the departure is necessary to alleviate the impact of the Purple Line taking.

(4) All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical;

The calculation of the number of parking spaces required has been utilized for many years. There are no other means of calculating the number of spaces required which reduce would eliminate the need for this Departure. The applicant has no other option than to request a departure from the number of parking spaces.

(5) Parking and loading needs of adjacent residential areas will not be infringed upon, if the departure is granted.

The applicant submits that the parking and loading needs of residential areas will not be infringed upon if this request is granted. As discussed in detail above, the parking which will exist upon the reconfiguration of the parking lot will be sufficient to meet the needs of the existing tenants and therefore will prevent any impact on adjacent residential areas.

Section 27-588 also requires the Planning Board to give consideration to certain other matters. These are as follows:

(1) The parking and loading conditions within the general vicinity of the subject property, including number and locations of available on and off-street spaces within five hundred (500) feet of the subject property;

There is no shortage of parking and loading spaces within the general vicinity of this property to the best of the applicant's knowledge. Upon completion of the Purple Line, reliance on automobile trips will be reduced as mass transit will be available. The reconfiguration of the remaining parking lot will ensure enough spaces exist to serve the existing shopping center.

(2) The recommendations of an area Master plan or County/Local Revitalization Plan, regarding the subject property and its general vicinity;

The Subject Property is located within the boundaries of the 2009 Approved Takoma/Langley Crossroads Sector Plan. Plan Prince George's 2035 further places the Subject Property within the Takoma Langley Crossroads Local Transit Center. The Subject Property is also located within the boundaries of the Takoma/Langley Crossroads Parking Study dated October 2021. The Sector Plan recognizes the C-S-C zoning that was in place at the time the Sector Plan was adopted and the existing commercial land use. The Sector Plan did not include a Sectional Map Amendment, thus retaining that zoning that predated the Sector Plan. The Sector Plan did note the future construction of the Purple Line

and the long-term vision is for the Subject Property and the surrounding area to be redeveloped with a dense, transit-oriented mix of uses once the Purple Line is completed. With the retention of the C-S-C Zone, the continued use of the property providing commercial services to the local community is consistent with the underlying zoning and the recommendations of the applicable Plans.

It is also noted that in 2021, a Parking Study was completed for the Takoma/Langley Crossroads area, which includes the Subject Property. The study evaluated the supply and demand of parking for both residential and commercial uses. For commercial uses, the study found that the commercial land uses have most of the underutilized off-street parking supply in the study area. The study notes that the oversupply of parking in these areas could eventually be addressed by future redevelopment, which could eliminate the oversupply. Thus, the parking study conclusion that ample parking exists to serve the existing commercial uses is supportive of the requested DPLS.

(3) The recommendations of a municipality within which the property lies regarding the departure;

This property does not lie within the limits of any municipality.

(4) Public parking facilities which are proposed within the general vicinity of the property.

To the applicant's knowledge, there are no public parking facilities proposed within the general vicinity of the subject property. As noted above, however, the Takoma/Langley Crossroads Parking Study was completed in October 2021 and included an evaluation of parking supply and demand for the 15 commercial zones designated in the study. The five commercial zones with the largest parking lots were identified, and one was the University Place retail assemblage. The study also included telephone based interviews of area businesses to understand perceptions regarding the sufficiency of parking supply. The results of the study were that the commercial area parking supply is sufficient to meet the parking demand under current conditions, although the study did note that concerns were raised regarding the construction of the Purple Line, the elimination of a number of parking spaces, and the need to reconfigure parking lots. This application is needed to address this very concern as it relates to the Subject Property.

Given all of the above considerations, the applicant respectfully submits that all of the required Findings set forth in Section 27-588 are met and satisfied with this application. Most importantly, the applicant submits the purposes for requiring off-street parking spaces are also satisfied. With the reconfiguration of the parking lot, 107 parking spaces will be

sufficient to serve the needs of the Subject Property. This is true today and will continue to be the case once the Purple Line construction is completed and the transit station opens near the shopping center. Therefore, the applicant requests that its departure from the required number of off-street parking spaces be granted.

CONCLUSION

Based on all the foregoing reasons, the applicant respectfully requests approval of the requested departure.

Respectfully submitted,



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S:\University Place/ DPLS Justification Statement.wpd



Prince George's County Planning Department
Countywide Planning Division

301-952-3650

January 22, 2024

MEMORANDUM

TO: Todd Price, Planner III, Zoning Review Section, DRD
VIA: Tom Burke, Supervisor, Environmental Planning Section, CWPD *TB*
FROM: Marc Juba, Planner III, Environmental Planning Section, CWPD *MJ*
SUBJECT: **University Plan Shopping Center, DDS-22005, DPLS-22007**

The Environmental Planning Section (EPS) has reviewed the Departure from Design Standards (DDS-22005) and associated Departure from Landscape Standards (DPLS-22007) to allow for a parking reconfiguration due to acquisition of property by the State Highway Administration to construct a portion of the Purple Line of the Metro rail system. This referral was received by the Countywide Planning Division on January 3, 2023. The EPS recommends approval of the DDS and DPLS, with no conditions.

Environmental Review

The site does not have a valid natural resource inventory (NRI) or tree conservation plan (TCP). According to PGAtlas, no regulated environmental features or County regulated 100-year floodplain are mapped within this site. The site is entirely developed with a parking lot, existing building, and associated circulation. These application types do not require an NRI or TCP. However, if a grading permit is required, a Standard Letter of Exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) and an NRI equivalency will be required at time of permit.



January 29, 2024

MEMORANDUM

TO: Todd Price, Planner II, Zoning Section
VIA: Mridula Gupta, Planner IV, Subdivision Section *MG*
FROM: Mahsa Vatandoost, Planner II, Subdivision Section *MV*
SUBJECT: DDS-22005 & DPLS-22007; University Place Shopping Center

These companion applications; departure from design standard (DDS-22005) and departure from the number of parking and loading standards (DPLS-22007) have been filed on a property which is located on Tax Map 32 in Grid C-3. The subject property consists of a 2.05-acre acreage parcel known as Parcel 76 which is recorded in the Prince George's County Land Records by deed in Book 38900 page 195. The property is located within the Local Transit-Oriented- Core (LTO-C) Zone. However, this application is being reviewed pursuant to the prior Zoning Ordinance and Subdivision Regulations. Therefore, the property is reviewed pursuant to the prior Commercial Shopping Center (C-S-C) zoning of the property, and prior Subdivision Regulations. This application was accepted for review on January 3, 2024, and comments were provided at the SDRC meeting on January 19, 2024. This referral is based on revised plans received on January 25, 2024.

The subject property is currently improved with a 29,090-square-foot integrated shopping center, originally constructed in or about 1959. The purpose of these companion applications is to permit the applicant to reconfigure an existing parking lot serving the shopping center as the result of taking of 10,335 square feet of land by the Maryland Department of Transportation (MDOT) to construct the Purple Line along University Boulevard. This taking of land is recorded in Book 48670 page 56, and is exempt from the requirement of filing a preliminary plan and final plat of subdivision in accordance with Section 24-107(c)(5) of the prior Subdivision Regulations. This reconfiguration will reduce the size of the parking lot and as a result the property no longer meets the minimum number of parking spaces required. Subdivision staff have no comments on these DDS and DSLS requests.

There are no prior preliminary plans of subdivision (PPS) or final plats of subdivision approved for the subject property. There are no changes to the existing lotting pattern or no development is proposed within these applications. Since the shopping center was in existence prior to January 1, 1990, and Parcel 76 was created through subdivision by deed prior to January 1, 1982, this development is exempt from the requirement of filing a preliminary plan and a final plat of subdivision. Therefore; a new PPS is not required at this time.

Additional Comments:

1. Any future development on the subject property may require approval of a preliminary plan of subdivision and final plat, prior to approval of permits.
2. The bearings and distances of the new property boundary along University Boulevard should be shown on the site plan.

Recommended Conditions:

None.

The referral is provided for the purpose of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. All bearings and distances must be clearly shown on the plans and must be consistent with the legal description of the property. There are no other subdivision issues at this time.

January 29, 2024

MEMORANDUM

TO: Todd Price, Zoning Review

FROM: Kelsey Shaffer, Permit Review Section, Development Review Division *KLS*

SUBJECT: Referral Comments for DDS-22005 + DPLS-22007 – University Place Shopping Center

1. The drive aisle widths of all entrances and exits shall be demonstrated on the site plan.
2. All loading spaces shall be dimensioned and demonstrated on the site plan.
3. The spot dimensions on the site plan for the handicap parking spaces indicate they are 19' in length, but the parking schedule states they are 18' in length. This shall be clarified.
4. The site plan shows parking lot islands that appear to be within proposed drive aisles. If these islands are to be removed, the site plan shall demonstrate them as "to be removed".
5. The site plan shows multiple signs that are going to be relocated, but it is unclear what these signs are and where they will be relocated to. This shall be clarified, and sign details/tables provided to show conformance with Part 12 of the Zoning Ordinance.



Angela D. Alsobrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



MEMORANDUM

January 30, 2024

TO: Todd Price, Urban Design Section
Development Review Division, M-NCPPC

FROM: Mary C. Giles, P.E., Associate Director *Mary Giles*
Site/Road Plan Review Division, DPIE

RE: University Place Shopping Center
DPLS-22007 and DDS-22005

CR: University Boulevard (MDSHA)
CR: 15th Avenue (County)

This is in response to DPLS-22007 and DDS-22005 referrals. The Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The property is located at the northeast corner of University Boulevard and 15th Avenue.
- The project proposes reconfiguring the front parking field due to the acquisition of property by the State Highway Administration to construct the Purple Line
- A Site Development Concept Plan should be submitted to DPIE.
- DPIE has no objection to DPLS-22007 and DDS-22005.

If you have any questions or require additional information, please contact Mr. Steve Snyder, P.E., the District Engineer for the area, at 301.883.5710.

cc: Steve Snyder, P.E., District Engineer, S/RPRD, DPIE
University Place Center LLC, 15942 Shady Grove Road, Gaithersburg, MD 20877
Gibbs and Haller, 1300 Caraway Court, Suite 102, Largo, MD 20774



January 31, 2024

MEMORANDUM

TO: Todd Price, Planner II, Zoning Section, Development Review Division

VIA: David A. Green, MBA, Planner IV, Long-Range Planning Section, Community Planning Division *DAG*

FROM: Elena Perry, Planner II, Master Plans and Studies Section, Community Planning Division *EP*

SUBJECT: DDS-22005 University Place Shopping Center

DETERMINATIONS

Pursuant to Part 27-239.01(b)(7) of the Prior Zoning Ordinance, Master Plan conformance is not required for this application.

BACKGROUND

Application Type: Departure from Design Standards

Planning Area: 65

Community: Langley Park & Vicinity

Location: 1500 University Boulevard, Hyattsville, MD 20783

Size: 2.05 acres

Existing Uses: Commercial – shopping center

Future Land Use: Mixed-use

Proposal: To reconfigure the existing shopping center front parking field due to acquisition of property by State Highway Administration to construct Purple Line. The applicant proposes to reconfigure the parking spaces using 9' X 18' size spaces instead of 9.5' X 18' size spaces.

Existing Zoning: LTO-C (Local Transit - Oriented – Core)

Prior Zoning: C-S-C (Commercial Shopping Center)

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: *2014 Plan Prince George's 2035 Approved General Plan* (Plan 2035) designates the property in the Takoma/Langley Crossroads Local Transit Center. Plan 2035 designates Local Centers “as focal points for development and civic activity based on their access to transit or major highways. The plan contains recommendations for directing medium-to medium-high residential development, along with limited commercial uses, to these locations, rather than scattering them throughout the Established Communities. These centers are envisioned as supporting walkability, especially in their cores and where transit service is available.” (pg. 19)

In addition, the applicant should consider the following Plan 2035 Transportation and Mobility Section Policy and Strategy for the subject property:

“Policy 8 Ensure that minimum and maximum parking requirements for transit-accessible areas are appropriate to advance the overall goals of Plan 2035.” (page 160)

“TM8.2 Support parking reduction strategies such as shared parking, transportation demand management strategies and programs, car and bike share programs, and new sidewalk and trail connections between transit facilities and residential and employment areas in the Regional Transit Districts, the Innovation Corridor, and Local Centers.”

Sector Plan: The *2009 Approved Takoma/Langley Crossroads Sector Plan* recommends mixed-use future land use on the subject property.

In addition, the applicant should consider the following Master Plan Land Use, Transportation System, and Urban Design Section Policies and Strategies for the subject property to advance the intent and purpose of the plan:

Policy 4: “Allow parallel, on-street parking and off-peak parking on main arterial roadways. Rows of parked cars can reduce the need for costly off-street parking spaces and act as a very effective buffer between pedestrians and moving traffic.” (page 31)

Strategies:

- “Access points to parking areas along these streets should be from side streets, not the main street. This eliminates numerous curb cuts and keeps the pedestrian realm more continuous and conflict free.”

Policy 6: “Utilize Crime Prevention Through Environmental Design (CPTED) principles to improve safety.” (page 32)

Strategies:

- “Discourage the planting of low, dense shrubbery in parks and other open spaces such as parking lots as they could hide potential assailants.”

Part of Transportation System subsection Policy 3 strategies says “Major Transit

Boulevard: University Boulevard should be constructed as a major transit boulevard. Amenities within the right-of way should include six travel lanes, three in each direction, wide continuous sidewalks, improved lighting, designated bicycle lanes, and pedestrian crosswalks delineated with special pavement or markings at all intersecting streets. The plan recommends the road cross section include a median wide enough to adequately accommodate an at-grade Purple Line light-rail transit and the needed pedestrian and station facilities.” (page 44)

Aviation/MIOZ: This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone

SMA/Zoning: The 1990 Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67 retained the subject property into the C-S-C (Commercial Shopping Center) zone.

On November 29, 2021, the District Council approved CR-136-2021, the Countywide Map Amendment (CMA) which reclassified the subject property from the C-S-C (Commercial Shopping Center) zone to the LTO-C (Local Transit - Oriented - Core) zone effective April 1, 2022.

cc: Long-Range Agenda Notebook
Kierre McCune, Supervisor, Master Plans and Studies Section, Community Planning Division



January 31, 2024

MEMORANDUM

TO: Todd Price, Planner II, Zoning Section, Development Review Division

VIA: David A. Green, MBA, Planner IV, Long Range Planning Section, Community Planning Division **DAG**

FROM: Elena Perry, Planner II, Master Plans and Studies Section, Community Planning Division **EP**

SUBJECT: **DPLS-22007 University Place Shopping Center**

FINDINGS

Pursuant to Section 27-588(b)(7)(A) of the Prior Zoning Ordinance, Master Plan conformance is not required for this application.

Pursuant to Section 27-588(b)(7)(B) of the Prior Zoning Ordinance, the Planning Board shall consider recommendations of the 2009 *Approved Takoma/Langley Crossroads Sector Plan*, regarding the subject property and its general vicinity.

The sector plan makes no recommendations addressing parking/loading spaces.

BACKGROUND

Application Type: Departure from the number of parking and loading spaces required

Planning Area: 65

Community: Langley Park & Vicinity

Location: 1500 University Boulevard, Hyattsville, MD 20783

Size: 2.05 acres

Existing Uses: Commercial – shopping center

Future Land Use: Mixed-use

Proposal: The applicant is requesting a waiver of 17 parking spaces for a total of 107 parking spaces. This use typically requires 35 parking spaces for the dialysis center and 89 parking spaces for retail use (one parking space for every 25,000 square feet of gross floor area) for a total of 124 parking spaces. The dialysis center (medical clinics) square footage exceeds 20% of

the total shopping center so the number of spaces devoted to the medical offices is calculated at 1 space per 200 square feet.

Existing Zoning: LTO-C (Local Transit - Oriented - Core)

Prior Zoning: C-S-C (Commercial Shopping Center)

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: *2014 Plan Prince George's 2035 Approved General Plan* (Plan 2035) designates the property in the Takoma/Langley Crossroads Local Transit Center. Plan 2035 designates Local Centers "as focal points for development and civic activity based on their access to transit or major highways. The plan contains recommendations for directing medium-to medium-high residential development, along with limited commercial uses, to these locations, rather than scattering them throughout the Established Communities. These centers are envisioned as supporting walkability, especially in their cores and where transit service is available." (pg. 19)

In addition, the applicant should consider the following Plan 2035 Transportation and Mobility Section Policy and Strategy for the subject property:

"Policy 8 Ensure that minimum and maximum parking requirements for transit-accessible areas are appropriate to advance the overall goals of Plan 2035." (page 160)

"TM8.2 Support parking reduction strategies such as shared parking, transportation demand management strategies and programs, car and bike share programs, and new sidewalk and trail connections between transit facilities and residential and employment areas in the Regional Transit Districts, the Innovation Corridor, and Local Centers."

Sector Plan: The *2009 Approved Takoma/Langley Crossroads Sector Plan* recommends mixed-use future land use on the subject property.

In addition, the applicant should consider the following Master Plan Land Use, Transportation System, and Urban Design Section Policies and Strategies for the subject property to advance the intent and purpose of the plan:

Policy 4: "Allow parallel, on-street parking and off-peak parking on main arterial roadways. Rows of parked cars can reduce the need for costly off-street parking spaces and act as a very effective buffer between pedestrians and moving traffic." (page 31)

Strategies:

- "Access points to parking areas along these streets should be from side streets, not the main street. This eliminates numerous curb cuts and keeps the pedestrian realm more continuous and conflict free."

Policy 6: “Utilize Crime Prevention Through Environmental Design (CPTED) principles to improve safety.” (page 32)

Strategies:

- “Discourage the planting of low, dense shrubbery in parks and other open spaces such as parking lots as they could hide potential assailants.”

Part of Transportation System subsection Policy 3 strategies says “Major Transit Boulevard: University Boulevard should be constructed as a major transit boulevard. Amenities within the right-of way should include six travel lanes, three in each direction, wide continuous sidewalks, improved lighting, designated bicycle lanes, and pedestrian crosswalks delineated with special pavement or markings at all intersecting streets. The plan recommends the road cross section include a median wide enough to adequately accommodate an at-grade Purple Line light-rail transit and the needed pedestrian and station facilities.” (page 44)

Aviation/MIOZ: This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone.

SMA/Zoning: The 1990 Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67 retained the subject property into the C-S-C (Commercial Shopping Center) zone.

On November 29, 2021, the District Council approved CR-136-2021, the Countywide Map Amendment (CMA) which reclassified the subject property from the C-S-C (Commercial Shopping Center) zone to the LTO-C (Local Transit - Oriented - Core) zone effective April 1, 2022.

c: Long-range Agenda Notebook

Kierre McCune, Supervisor, Master Plans and Studies Section, Community Planning Division



Countywide Planning division
Transportation Planning Section

1/29/2024

MEMORANDUM

TO: Todd Price, Zoning Review Section, Development Review Division

FROM: Leah Daniels, Transportation Planning Section, Countywide Planning Division
Leah Daniels

VIA: Noelle Smith, AICP, Transportation Planning Section, Countywide Planning Division
NS

SUBJECT: DDS-22005 University Place Shopping Center & DPLS-22007

Proposal:

The subject application seeks a Departure from Design Standards (DDS-22005) and Departure from Parking and Loading Standards (DPLS-22007) to reconfigure the surface parking of the University Place Shopping Center due to the construction of the Purple Line. The new construction requires 40-feet of right-of-way along the property frontage of University Boulevard, resulting in a loss of 40 parking spaces. DDS-22005 requests a departure from the standard parking space size required by section 27-558(a) of the Zoning Ordinance, and DPLS-22007 requests a variance from the amount of parking spaces required by section 27-568(a). The site requires 124 spaces dimensioned at 9-foot by 19.5-feet; however, the application proposes a total of 107 spaces, of which 77 are 9-foot by 18-feet and 30 16.5-feet by 8-foot compact spaces. The reconfiguration does not impact the 3 pre-existing loading areas.

Prior Conditions of Approval

There are no prior approvals applicable to this site.

Master Plan Compliance

Master Plan Right of Way

This site is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2009 *Approved Takoma/Langley Crossroads Sector Plan*. The subject site has frontage along University Boulevard which is identified as an arterial roadway with an ultimate right-of-way of 200 feet. The site also has frontage along 15th Avenue which has no right-of-way designation.

Comment: The subject application does not propose any structures within the existing right-of-way along University Boulevard or 15th Avenue. The subject application does not propose any modifications to either of the two existing access points. No additional right-of-way is required or requested.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends a shared roadway along the property's frontage on 15th Avenue and a side path along University Boulevard. Staff recommends the applicant install a "Share the Road" sign on 15th Avenue unless modified by an operating agency.

Transportation Planning Review

Zoning Ordinance Compliance

Departure from Parking and Loading Spaces

Section 27-588.7(A)(i-v) lists the required findings to grant a departure from the number of parking and loading spaces required.

(7) Required findings

A) In order for the Planning Board to grant the departure, it shall make the following findings:

(i) The purposes of this Part (Section 27-550) will be served by the applicant's request

Comment: The submitted statement of justification (SOJ) indicates that the proposal is consistent with the purposes of the Off-Street Parking and Loading requirements of the ordinance. Despite the reduction in on-site parking, staff concur that under the current parking arrangement, sufficient parking is provided to serve the use. Additionally, the parking lot is conveniently located onsite and is accessible from 15th Avenue and University Boulevard, which deters traffic from neighboring streets and protects the character of the nearby residential streets.

(ii) The departure is the minimum necessary, given the specific circumstances of the request

Comment: Staff concurs that the Purple Line transit facility significantly reduces the size of the existing parking lot. As such, a parking and loading departure is necessary to reconfigure the parking lot to provide an optimal amount of parking for the on-site uses. However, it should be noted that staff recommends the approval of DDS-22005, which has been submitted in conjunction with DPLS-22007, so that the applicant is able to provide the proposed 107 parking spaces.

(iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949

Comment: As previously discussed, the construction of the Purple Line transit facility along University Boulevard has significantly reduced the parking lot area, resulting in the loss of 40 standard-sized parking spaces, totaling a 30% decrease in available parking. Additionally, the parking lot serves an operating shopping center with limited lot coverage, to which the proposed number of spaces will still allow adequate circulation on site. The departure is necessary, in conjunction with DDS-22005, to allow the applicant to reconfigure the parking lot to maximize the amount of parking as well as alleviate the impact of the Purple Line transit facility.

(iv) All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical

Comment: The applicant has followed the method for calculating parking spaces as provided in Section 27-568. This method requires 124 parking spaces for a shopping center with a medical clinic that exceeds 20% of the total square footage.

(v) Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.

Comment: The SOJ indicates that this request will meet the needs of the subject site. While only providing 107 parking spaces is a 17-space departure from the minimum requirement, the applicant asserts that most customers arrive at the shopping center as pedestrians or by public transit due to the nearby college. The applicant contends that the current proximity to public transit with the addition of the nearby Purple Line light rail station, Riggs Road, will offset the need for parking and thereby not be a hinderance to adjacent residential areas. Staff concurs with this assessment.

Departure from Design Standards

Section 27.239.01.7(A)(i-iv) discusses the required findings for departures from design standards.

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

Comment: The applicant is proposing that all parking spaces except for compact spaces and handicap spaces be 9-feet by 18-feet. Staff agrees that reducing the parking space size will allow the applicant to nearly meet the minimum parking space requirement for the use as well as continue to provide acceptable parking on site that accommodates pedestrian and vehicle circulation within the lot.

(ii) The departure is the minimum necessary, given the specific circumstances of the request.

Comment: The submitted SOJ indicates that the departure from the standard parking space size is necessary to maximize the number of spaces available on site while providing driveway aisle widths that meet the Zoning Ordinance requirements. In reviewing the subject application's site plan, it does not appear that there is sufficient space to utilize the standard parking size without significantly decreasing the amount of parking available or increase the parking spaces at the modified parking size without compromising the circulation on site. This departure is the minimum number of spaces necessary to both accommodate the uses associated with the parking lot and maintain efficient circulation. Staff concurs with this assessment.

(iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949

Comment: Staff agrees with the applicant's assertion that "the departure is necessary to alleviate circumstances unique to the site." The pre-existing buildings and the newly established University Boulevard right-of-way due to the Purple Line light rail development necessitate a reconfiguration of the parking lot. Staff concurs that a departure from design standards is necessary, as the modification in parking space size is needed to maximize the number of available spaces for the associated shopping center uses.

(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood

Comment: Staff concurs with the applicant's SOJ assertion that this departure will allow for the applicant to provide standard drive aisles as required by the Zoning Ordinance and adequately sized parking spaces to accommodate vehicles on site. Additionally at the recommendation of TPS staff, the applicant has provided additional signage on site to enhance vehicular circulation.

Conclusion

Based on the standards listed in section 27-588 and section 27-239 and the required findings, staff is in support of this application and is recommending approval of the Departure from Design Standards DDS-22005 and Departure from Parking and Loading Spaces DPLS-22007 University Place Shopping Center.