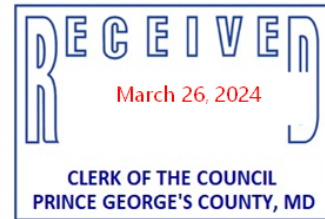




March 26, 2024

University Place Center LLC
15942 Shady Grove Road
Gaithersburg, MD 20877



Re: Notification of Planning Board Action on
Departure from Design Standards DDS-22005
University Place Shopping Center

Dear Applicant:

This is to advise you that, on **March 21, 2024**, the above-referenced application was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-3417 of the Prince George's County Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice (**March 26, 2024**) of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-3301(c) of the Zoning Ordinance), the District Council decides, on its own motion, to review the action of the Planning Board.

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Todd Price 03/26/2024
Reviewer

Attachment: PGCPB Resolution No. **2024-011**

cc: Donna J. Brown, Clerk of the County Council
Persons of Record

PGCPB No. 2024-011

File No. DDS-22005

R E S O L U T I O N

WHEREAS, the current Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, on January 3, 2024, the applicant, University Place Center LLC, filed a Departure from Design Standards Application No. DDS-22005, University Place Shopping Center, requesting a departure from Section 27-568(a) of the Zoning Ordinance effective prior to April 1, 2022 (prior Zoning Ordinance) for the subject property located on the northeast corner of the intersection of University Boulevard and 15th Avenue;

WHEREAS, the subject property is within the Local Transit Oriented-Core Zone (LTO-C), but was located in the prior Commercial Shopping Center Zone (C-S-C) prior to April 1, 2022; and

WHEREAS, pursuant to Section 27-1900 *et seq.* of the Zoning Ordinance, development applications for property in the LTO-C Zone submitted and accepted as complete before April 1, 2024, may be reviewed and decided in accordance with the prior Zoning Ordinance; and

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission (Commission) reviewed the Departure from Design Standards, in accordance with the prior Zoning Ordinance and the subject property's prior C-S-C zoning; and

WHEREAS, the application for approval of the Departure from Design Standards was presented to the Prince George's County Planning Board by the staff of the Commission at a public hearing on February 29, 2023; and

WHEREAS, the staff of the Commission recommended the Planning Board APPROVE the Departure from Design Standards with conditions; and

WHEREAS, after consideration of the evidence presented at the public hearing on February 29, 2024, the Prince George's County Planning Board finds:

1. **Request:** The applicant requested approval 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. The applicant requested 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 requested 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.

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 proposed to reconfigure the front parking lot to maximize the number of parking spaces on-site, following the acquisition of 10,335 square feet of land from the property by MDOT. This acquisition 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. To recoup the maximum number of parking spaces possible by reconfiguring the parking lot, the applicant is proposing to provide 18 feet by 9 feet standard parking spaces, rather than the required 19 feet by 9.5 feet.

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

	EXISTING	APPROVED
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 approved	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 (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 approved 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 the Planning Board's 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 approved 9-foot by 18-foot 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. The Planning Board finds 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 departure from parking and loading standards (DPLS) to 17 parking spaces (see companion case DPLS-22007).

- (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 approved 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, the Planning Board finds that the required findings for approval set forth in Section 27-239.01(b)(7)(A) are met for DDS-22005.

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 approved 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 5 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 approved is 2,258 square feet, which exceeds the minimum percent previously required.

The Planning Board finds that the approved 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. This application does 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, this application is exempt from the Tree Canopy Coverage Ordinance.
10. **Referrals:** The subject application was referred to the concerned agencies and divisions. The referral comments are incorporated herein by reference, and are summarized as follows:
 - a. **Community Planning**—The Planning Board reviewed and adopts the memorandum dated January 31, 2024 (Perry to Price), which provided an analysis of the subject application. No issues were identified.
 - b. **Transportation Planning**—The Planning Board reviewed and adopts a memorandum dated January 29, 2024 (Daniels to Price), which offered an analysis of the subject application and recommended approval of DDS-22005.
 - c. **Permit Review**—The Planning Board reviewed and adopts a memorandum dated November 6, 2023 (Shaffer to Price), which offered comments, one of which has been incorporated as Condition 1g in this resolution.
 - d. **Environmental Planning**—The Planning Board reviewed and adopts a memorandum dated January 22, 2024 (Juba to Price), which provided an analysis of the subject application, and no environmental issues were identified. The Environmental Planning Section recommended approval of DDS-22005.
 - e. **Subdivision**—The Planning Board reviewed and adopts a memorandum dated January 29, 2024 (Gupta to Price), which provided an analysis of the subject application and offered comments, one of which has been included as Condition 1h in this resolution. 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)**—The Planning Board reviewed and adopts a memorandum dated January 30, 2024 (Giles to Price), which offered an analysis of the subject application and had no objections to DDS-22005.
11. **Community Feedback:** There was no community opposition or feedback for this application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and @ the above-noted application, 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.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

* * * * *

PGCPB No. 2024-011

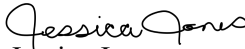
File No. DDS-22005

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, February 29, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of March 2024.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:TP:rpg


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel