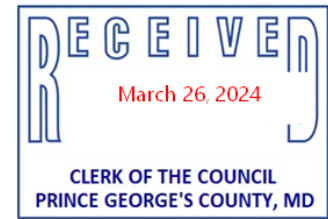




March 26, 2024

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



Re: Notification of Planning Board Action on
Departure from Parking and Loading Standards
- DPLS-22007
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. **2024-012**

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

PGCPB No. 2024-012

File No. DPLS-22007

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 Departure from Parking and Loading Standards Application No. DPLS-22007, 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 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 Parking and Loading 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 Parking and Loading Standards was presented to the Prince George's County Planning Board by the staff of the Commission on February 29, 2023; and

WHEREAS, the staff of the Commission recommended the Planning Board APPROVE the Departure from Parking and Loading 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 to reconfigure the front parking lot, due to the acquisition of 10,335 square feet of property by the Maryland Department of Transportation (MDOT), for construction of the Purple Line light rail. 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 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. The applicant proposes to reconfigure the parking lot to accommodate a total of 107 parking spaces or 17 fewer spaces than required.

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 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 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 Part (Section 27-550) will be served by the applicant's request;**

The Planning Board finds 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, under the property's current LTO-C zoning, there is no minimum parking requirement. However, the applicant is proceeding under the

prior Zoning Ordinance to avoid bringing 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, the Planning Board took this into consideration regarding the request for reduced parking at the site.

Based on the justification provided by the applicant, the Planning Board finds 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 approved 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 proposed 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.**

The Planning Board finds 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. As noted above, the subject property is well-connected to mass transit and there is sufficient parking in the surrounding Takoma/Langley Crossroads area.

Based on the preceding analysis, the Planning Board finds 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 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 5 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 DPLS-22007.
 - 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 DPLS-22007.

- 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 DPLS-22007.

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 APPROVED 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.

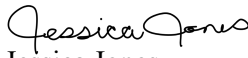
BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council for Prince George’s County, Maryland within thirty (30) days of the final notice of the Planning Board’s decision.

* * * * *

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