



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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File No. DPLS-351

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed DPLS-351 requesting to allow a shared loading study to establish the loading requirements for the development in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on January 14, 2010, the Prince George's County Planning Board finds:

1. **Request:** Departure from Parking and Loading Standards DPLS-351 is a request to allow a shared loading study, as submitted by the applicant, to establish the loading requirements for the development. This request for a Departure from Parking and Loading Standards is companion with Detailed Site Plan DSP-09006.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-18	M-U-I
Use(s)	Multifamily	Multifamily, Single-family Attached Townhouse, Office & Retail
Acreage	24.91	24.91
Area within 100 year floodplain	0	0
Parcels	4	4
Dwelling Units		
Multifamily	566	2,675
Square Footage/GFA	N/A	Residential-3,099,750 Retail-62,100 Office-216,000 Total-3,377,900

	Required	Provided
Parking	N/A	3,779
Loading	23*	17

*This number reflects the requirement based on the number of dwelling units and amount of office square footage proposed. The requirements for the retail and amenity uses are based on the number of spaces that would normally be required under Part 11, except that the retail components were calculated on the total retail space rather than a tenant-by-tenant basis, which cannot be determined at this time. The applicant has filed this departure from the number of parking and loading spaces required, DPLS-351, to allow a shared loading analysis to determine the loading requirements for the development.

3. **Location:** The subject property consists of four record lots. Parcels A and B, Americana Plaza, consist of 4.45 acres located on the west side of Toledo Terrace, south of Toledo Road. Parcel C, Americana Plaza, consists of 7.98 acres located on the west side of Toledo Terrace between Northwest Drive on the north and Toledo Place on the south. Parcel B, Georgian Plaza, consists of 12.46 acres located on the south side of Toledo Terrace at its intersection with Belcrest Road.
4. **Surrounding Uses:** Parcels A and B, Americana Plaza, are bounded to the north by Parcel C, Americana Plaza, to the west by Toledo Plaza, an existing multifamily development in the R-18 (Multifamily Medium Residential) Zone, to the south by Post Park, an existing multifamily and retail development in the M-X-T (Mixed-Use Transit Oriented) Zone, and to the east by Toledo Terrace. Parcel C, Americana Plaza, is bounded to the north by Dean Drive, to the east by Northwest Drive, to the south by Toledo Terrace, and to the west by Toledo Plaza. Parcel B, Georgian Plaza, is bounded to the north and west by Toledo Terrace, to the east by Belcrest Road, and to the south by Prince George's Plaza, a commercial shopping center in the C-S-C (Commercial Shopping Center) Zone.
5. **Design Features:** This departure is a companion to Detailed Site Plan DSP-09006, which proposes the rezoning of Parcels A, B and C, Americana Plaza and Parcel B, Georgian Plaza from the R-18 to the M-U-I (Mixed-Use Infill) Zone. As Phase I of the project, Parcels A and B of Americana Plaza are proposed to be developed with 283 multifamily units within a four- to five-story building shown on the plans as Building 6. Parcel C of the Americana Plaza is proposed to be developed with 356 multifamily units and 1,290 square feet of retail/office space within a four- to five-story building shown as Building 7 and 57 single-family attached townhouse units. Parcel B, Georgian Plaza, is proposed to be developed with 1,979 multifamily units, 59,250 square feet of retail, 176,000 square feet of office, and 40,000 square feet of amenity space within five buildings.
6. **Departure from Parking and Loading Standards:** Departure from Parking and Loading Standards DPLS-351 is a request to allow a shared loading study to establish the loading requirements for the development. The applicant has provided the following description of this request:

"This Departure from Parking and Loading Standards application relates to the number of loading spaces being provided to serve the proposed redevelopment of Belcrest Plaza. Section 27-548.06(c) of the Zoning Ordinance states that in a TDOZ, the requirements of Part 11 concerning the minimum number of spaces in, and design of, off-street parking and loading areas shall not apply within the Transit District. The Prince George's Plaza TDDP then re-establishes the requirements of Part 11 as the minimum standards unless otherwise modified. While the TDDP specifically addresses parking and requires the applicant to provide a shared parking analysis, it is silent as to the number of loading spaces which must be provided. Attached hereto as Exhibits A-G are Loading Analyses for each of the proposed buildings in the Belcrest Plaza development. As will be set forth above, the number of loading spaces proposed in some cases may not conform with the normal requirements set forth in Section 27-582 of the Zoning Ordinance. A Departure is

requested to allow the number of loading spaces reflected in the Loading Analyses to serve the proposed development.

"Description of Loading Spaces Required vs. Loading Spaces Provided: A total of seven buildings are proposed for the four parcels, plus an additional 57 townhouse units. Section 27-582 requires that loading spaces be required for each of the seven buildings. Each building will be addressed below as to the number of spaces required, the number of spaces needed based upon the shared loading analysis and the number of spaces provided.

"Building 1 is located on Parcel B, Georgian Plaza and consists of two towers on top of a podium parking structure. As currently proposed, the building will contain 422 multifamily dwelling units, 177,625 square feet of office space, 11,650 square feet of retail space and a 40,000 square foot public amenity space. Attached hereto as Exhibit "H" is a copy of Section 27-582 of the Zoning Ordinance, the schedule of loading spaces required. Attached as Exhibit "I" is an analysis of how many spaces are required for each use in each building. The number of loading spaces required for the residential and office uses can be simply calculated based upon the number of units or the total square footage. The number of spaces needed for the retail space and public amenity are difficult to calculate. Loading spaces for retail are calculated on a use to use basis. Retail stores with less than 2,000 square feet require no loading, while uses 2,000 square feet to 10,000 square feet require one loading space. At this time, the applicant does not know the square footage of each individual retail use. Thus the actual number which will be required is not known. Also, there is no category for a public amenity space, such as a library. At this point, therefore, we know that Section 27-582 requires a minimum of 4 loading spaces, while more could be required depending upon the exact tenant makeup. Exhibit A attached hereto is a shared parking analysis for Building 1 prepared by the Traffic Group. This analysis looks at the anticipated loading needs on an hour by hour basis to calculate the maximum number of loading spaces needed to adequately serve the building. As Exhibit A reflects, a maximum of 2 loading spaces will be occupied at any one time. Since a total of four loading spaces are proposed by the applicant (two for the office tower and two for the residential tower), sufficient loading spaces are provided.

"Building 2 contains two residential towers with a total of 526 dwelling units as well as 29,190 feet of retail space (some of which could also be leased to an office use). As shown on Exhibit I, 3 loading spaces are required for the residential use while an as yet undetermined number of loading spaces will be required to serve the retail space. Exhibit B shows a peak loading demand of 3 spaces, while a total of four loading spaces are provided. Thus, enough loading spaces are provided to meet the needs reflected in Exhibit B.

"Building 3 contains a total of 421 dwelling units and 7,890 square feet of retail/office space. Exhibit I reflects that 2 loading spaces are required to serve the residential use, while the number required to serve the commercial would depend on the exact use and

square footage of each tenant. Exhibit "C" reflects that 2 loading spaces will be required at peak demand, while 2 spaces are provided.

"Building 4 contains a total of 408 dwelling units and 7,080 square feet of retail/office space. Exhibit I reflects that 2 loading spaces are required to serve the residential use, while the number required to serve the commercial would depend on the exact use and square footage of each tenant. Exhibit "D" reflects that 2 loading spaces will be required at peak demand, while 2 spaces are provided.

"Building 5 contains a total of 224 dwelling units, 6,770 square feet of retail/office space and the main recreational amenity for the Belcrest Plaza project, which includes 34,250 square feet. Exhibit I reflects that 1 loading spaces are required to serve the residential use, while the number required to serve the commercial would depend on the exact use and square footage of each tenant. The recreational use, although accessory to the residential use, could be required to provide one loading space as well if classified as a "recreational establishment". Exhibit "D" reflects that only 1 loading spaces will be required at peak demand, and 1 loading space is provided.

"Building 6 contains a total of 283 dwelling units, 1,600 square feet of retail/office space and a 1,440 square foot rental office. Exhibit I reflects that 1 loading spaces is required to serve the entire building. Exhibit "D" reflects that 2 loading spaces should be provided at peak demand and while 2 spaces are provided.

"Building 7 contains a total of 356 dwelling units, 1,290 square feet of retail/office space and a 1,160 square foot rental office. Exhibit I reflects that 2 loading spaces are required to serve the entire building. Exhibit "D" reflects that 2 loading spaces should be provided at peak demand and while 2 spaces are provided."

Section 27-588(b)(7) sets forth the Required Findings for a departure from the number of parking and loading spaces required:

(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;

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;

- (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;**
- (3) To protect the residential character of residential areas; and**
- (4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

The applicant provided the following justification in response to this requirement:

“The purposes of the loading requirements are set forth in Section 27-550. Those purposes generally are to ensure that any use provides sufficient loading areas to service said use and to lessen traffic congestion on the streets by reducing the use of the streets for loading. The applicant submits that its proposal in this case satisfies the purposes for requiring off-street loading.

“As set forth above, The Traffic Group has prepared a loading analysis for each building in order to determine the peak loading demands based upon the proposed uses. For Building 6 on Parcels A and B, Americana Plaza, and Building 7 on Parcel C, Americana Plaza, number of loading spaces provided satisfies both the anticipated loading demand based upon the loading analysis as well as the number of loading spaces required by Section 27-582. Buildings 1-5, located on Parcel B, Georgian Plaza, contain multiple uses which will share loading spaces. It is difficult to determine at the present time the exact number of loading spaces which will be required because the square footage of each individual retail tenant is not know. However, based upon the space allocated to potential retail uses, the loading study has determined that a total of 10 loading spaces will be required to serve these buildings, and a total of 13 are provided. As a result, adequate off street loading spaces will be provided to serve the development, ensuring that the purposes set forth in Section 27-550 are satisfied.

“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.”

The Planning Board concurs with the applicant's assertion that the purposes of Section 27-550 of the Zoning Ordinance will be served by the applicant's request in that the off-street loading facility will be sufficient to service the needs of the future residents.

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

The applicant provided the following justification in response to this requirement:

“The applicant has clearly provided more than the minimum number of parking spaces required by the Zoning Ordinance for the residential and office uses. At the current time, it is not clear that any loading spaces will be required to serve the retail uses because the need for loading depends on the size of each tenant. However, the nature of the retail space and the location of the retail space allows the need for loading to be anticipated and incorporated into the development. The three extra loading spaces provided are located in Buildings 1 and 2, where most of the commercial space is provided. Thus, the loading is provided convenient to the uses to be served. The goal of the TDDP is to eliminate surface parking lots and create an urban, pedestrian friendly, transit oriented district. Creating space within the buildings or along the plazas for loading which may never even be required by the Zoning Ordinance is contrary to the design goals of the TDDP. The loading provided meets the needs of the development and is therefore the minimum necessary given the specific circumstances of the request.”

The Planning Board concurs with the applicant's assertion that the departure is the minimum necessary. The loading needs of the retail uses cannot be determined at this time since the square footage of each retail use has yet to be determined. Although the applicant proposes a shared loading program, loading spaces are appropriately and conveniently located for use by all users of each building.

- (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;**

The applicant provided the following justification in response to this requirement:

“The applicant is proposing the development of a mixed use transit oriented community within walking distance to the Prince George's County Metro Station. The bulk of the retail uses in this development will be located along an urban plaza served by a private access driveway with ample loading spaces to meet the needs of the uses, as determined by a shared loading study. The loading spaces serving the various uses (residential, office and retail) will not have peak demands at the same time of the day or week. Further, until specific tenants are identified, it is not clear whether any additional loading spaces will be required. The design of an urban space such as that proposed is critical to the viability of the project, and the loading spaces should be set aside based upon the anticipated shared needs of the proposal, not based upon a strict square footage calculation established for

freestanding suburban retail uses. As such, the circumstances are special to the proposed use and justify the approval of a departure based upon the shared loading study."

The Planning Board concurs with the applicant's assertion that the departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location. A shared loading program is appropriate for each multi-story, mixed-use building given the nature of this urban development.

- (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 provided the following justification in response to this requirement:

"Section 27-582 is the section of the Zoning Ordinance which sets forth the required number of loading spaces. For properties in a Transit District Overlay Zone, however, it is anticipated that the normal method of calculated the required number is impractical. Section 27-548.06(c) states that the provision of Part 11 do not apply in a TDOZ. However, while the TDDP for Prince George's Plaza is specific as to the need for a shared parking study, it does not also require a shared loading study. Thus, while a fair argument could be made that no departure is required in this case and that the Planning Board has the authority to approve both the number of parking and loading spaces based upon a shared parking and loading study, this departure was filed out of an abundance of caution. Notwithstanding, the nature of the proposed development and the mix of uses are such that cumulatively adding loading spaces on a use by use bases, without taking into account the sharing of such spaces, is impractical. Therefore, this criterion is satisfied."

The Planning Board concurs with the applicant's justification. Based on the TDDP's requirement for a shared parking study, it follows that the requirement for loading should also be based on a shared study. The applicant has submitted such a study, which adequately addresses each building's loading demand based on shared use. While not meeting the loading requirements set forth in Part 11 of the Zoning Ordinance, the number of loading spaces meets the need determined by the shared loading analysis.

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

The applicant provided the following justification in response to this requirement:

"The applicant submits that the parking and loading needs of residential areas will not be infringed upon if this request is granted. The only portions of the subject

proposal which abuts residential development are Buildings 6 and 7, both of which provide loading which fully complies with Section 27-582. Parcel B, Georgian Plaza abuts the Mall at Prince George's parking lot. Since the project has located sufficient off street loading to meet the loading needs of the proposed use based upon a shared loading study, and since it does not abut an adjacent residential area, the granting of this departure will not infringe upon any residential area."

The Planning Board concurs with the applicant's assertion that the parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.

(B) In making its findings, the Planning Board shall give consideration to the following:

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

The applicant provided the following justification in response to this requirement:

"There is no shortage of parking and loading spaces within the general vicinity of this property to the best of the applicant's knowledge. As indicated above, the adjacent land to the west and the south is occupied by the Mall at Prince George's which provides separate loading facilities for its tenants."

The Planning Board concurs with the applicant's justification.

- (ii) The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;**

The applicant provided the following justification in response to this requirement:

"The TDDP identifies Parcel B, Georgian Plaza as Subarea 12, and recommends redevelopment of this property as a transit oriented mixed use development. The number of loading spaces provided will meet the needs of the proposed transit oriented mixed-use development. Therefore, the proposed use of the property is in full compliance with the recommendations of that Plan."

The Planning Board concurs with the applicant's justification. The recommendations of the TDDP are consistent with the applicant's proposed use of a shared loading program as the TDDP requires a shared parking analysis.

- (iii) The recommendations of a municipality (within which the property lies) regarding the departure; and**

The property is not within the corporate limits of a municipality.

- (iv) **Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.**

The applicant provided the following justification in response to this requirement:

"As this consideration relates only to parking facilities, it is inapplicable to the instant request to waive required loading spaces. To the applicant's knowledge, however, there are no public loading facilities existing or proposed within the general vicinity of the subject property."

The Planning Board concurs with the applicant's justification.

- (C) **In making its findings, the Planning Board may give consideration to the following:**

- (i) **Public transportation available in the area;**
- (ii) **Any alternative design solutions to off-street facilities which might yield additional spaces;**
- (iii) **The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within five hundred (500) feet of the subject property;**
- (iv) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The applicant has provided the following justification in response to these requirements:

"As to requirements (ii) and (iii), the only ones applicable to the instant departure, the location of all uses on the proposed plan have been carefully considered, as well as the need to serve the needs of the uses in a manner which is consistent with the design goals of the TDDP. It is the specific nature of the proposed uses, and their hours of peak loading demand, that have guided the number and location of loading spaces for this project. As a result, these factors have been considered and support the granting of the requested departure."

The Planning Board concurs that the requested departure is appropriate given the design and proposed nature of mix of uses and in regard to the overall design of the site, particularly in relationship to avoiding additional loading spaces in public areas.

7. **Referral Agencies and Departments:**

Department of Public Works and Transportation (DPW&T)—DPW&T had no comment on the shared loading study.

Transportation Planning Section—The Transportation Planning Section had no comment on this issue.

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.

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.

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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 Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Cavitt and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, January 14, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of February 2010.

Patricia Colihan Barney
Acting Executive Director

Frances J. Guertin

By Frances J. Guertin
Planning Board Administrator

PCB:FJG:JS/SL:arj

APPROVED AS TO LEGAL SUFFICIENCY.

J. J.
M-NCPPC Legal Department

Date 1/25/10