



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 11-27

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Upper Marlboro, Maryland 20772

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File No. DPLS-354

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed DPLS-354, The Mosaic at Turtle Creek requesting a departure from parking and loading standards to reduce the number of required parking spaces for a 300-unit multifamily building from 678 spaces to 451 spaces 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 March 24, 2011, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The property is known as Lot 4 and consists of approximately 9.54 acres in the R-10 and R-55 Zones. The property is located along the west side of Mowatt Lane, approximately 1,350 feet south of its intersection with Campus Drive. The western portion of the property, including where the new development of a 300-unit multifamily building is proposed, is entirely located within the limits of the R-10 Zone. The eastern portion of Lot 4 is located in the R-55 Zone. This area of the property is less than 60 feet in width and functions as an access stem to contain the proposed 22-foot-wide private right-of-way easement that will provide the site with a direct connection to a public street (Mowatt Lane). The site is primarily wooded and currently undeveloped.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-10/R-55	R-10/R-55
Use(s)	Vacant	Multifamily
Acreage	9.54	9.54
Lots	1	1
Parcels	None	None
Number of Dwelling Units	None	300

C. **History:** The subject site was formerly zoned R-55 which permits small-lot residential subdivisions. The 1989 and 1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67* recommended a public or quasi-public land use for the site and retained the existing R-55 Zone to reflect the zoning and character of the property that surrounds the site (surrounded on all sides by property in the R-55 Zone). The majority of the subject property was rezoned to the R-10 Zone on September 18, 2006 pursuant to the District Council's approval of Zoning Map Amendment No. A-9983-C. The District Council's actions for A-9983-C are contained within Zoning Ordinance No. 17-2006.

Preliminary Plan of Subdivision, 4-06138, was approved by the Planning Board on May 31, 2007. This application was submitted for the purposes of testing adequate public facilities for 300-multifamily dwelling units in the R-10 Zone. The Planning Board's actions for Preliminary Plan of Subdivision 4-06138 are contained in PGCPB Resolution No. 07-108.

Detailed Site Plan, DSP-08001, was approved for the property by the Planning Board on October 30, 2008. Two companion departure applications, DPLS-336 and DDS-587 were heard and approved by the Planning Board on the same day as the detailed site plan application. Departure from Parking and Loading Standards application DPLS-336 was approved for a waiver of 163 parking spaces, while Departure from Design Standards application DDS-587 was approved for a departure from parking space design standards in order to allow all of the parking spaces within the proposed parking garage to be reduced to 18 feet by 8.5 feet in size. The Planning Board's actions for DSP-08001, DPLS-336 and DDS-587 are contained in PGCPB Resolutions 08-160, 08-161 and 08-162.

At the time of detailed site plan, the applicant was unable to fully provide the required 20-foot-wide landscaped yard and 30-foot-wide building setback along the northern property line in accordance with Section 4.7 of the *Prince George's County Landscape Manual*. A 12-foot-wide, Washington Suburban Sanitary Commission (WSSC) access easement encroached into the required bufferyard for approximately 125-feet of the 760-foot northern property line. As a result, the applicant filed an Alternative Compliance Application to request relief from the strict requirements of Section 4.7 of the *Prince George's County Landscape Manual*. Alternative Compliance Application, AC-09003, was approved by the Planning Director on April 3, 2009.

Stormwater Management Concept Plan No. 48462-2006-00 was approved by the Department of Public Works and Transportation (DPW&T) on June 6, 2007.

On February 2, 2011, an amended Statement of Justification was submitted by the applicant that included a revised departure request and a revised bedroom mix for the 300-unit multifamily building. A revised site plan was not submitted that demonstrates the new bedroom mix for the building, the new overall parking requirement for the property, or the number of parking spaces the applicant is now requesting to be waived. Therefore, the site plan that was submitted at the time of acceptance is no longer current and should be amended to reflect the revised departure request. The applicant is now proposing to remove a portion of the three-level parking garage that was reflected on the prior approved Detailed Site Plan DSP-08001, and is therefore, requesting a parking waiver of 227 parking spaces. The applicant's amended departure request proposes to provide 451 parking spaces to serve the 300-unit multifamily building when a total of 678 parking spaces are required by the Zoning Ordinance.

A Transportation Demand Management Plan (TDM Plan) was also submitted by the applicant that proposes alternative forms of transportation in an effort to reduce the number of vehicle trips that will be generated by the development. The TDM plan proposes the use of bus service, pedestrian pathways, bicycle racks, and the establishment of an assigned Transportation Coordinator that will coordinate carpooling or ridesharing programs for the future residents of the building.

Section 27-568(a)(1) of the Zoning Ordinance allows a reduction in the number of required parking spaces for multifamily dwellings, provided that the property is wholly situated within a one-mile radius of a metro station. Although the entire property is not wholly situated within a one-mile radius of a metro station, the applicant argues that the front door of the proposed multifamily building will be located within the one-mile mark. In reviewing the prior requested departure application, DPLS-336, the Planning Board found that this property met the spirit and intent of the Code and the applicant's prior request for a waiver of 163 parking spaces was granted on October 30, 2008, leaving the total amount of provided parking for the 300-unit multifamily building at 527 parking spaces. Since prior approved parking departures cannot be amended, the current departure application must be reviewed on its own merits, and any previously waived parking spaces must be included in the applicant's new request.

The site plan submitted for the current application does not reflect the same bedroom percentages that were shown on the prior approved detailed site plan. The required parking for multifamily developments is based on the total number of dwelling units in the building, plus the number of bedrooms that are in excess of one per unit. Therefore, any changes to the proposed bedroom mix will affect the overall parking requirement for the property. The numbers of three bedroom units that are now proposed within the multifamily building exceed the maximum allowed bedroom percentages provided in Section 27-419(a)(1)(B) of the Zoning Ordinance. On July 21, 2009, the District Council adopted County Council Bill CB-14-2009 (DR-2) which allows any portion of a parcel that is proposed for the development of multifamily buildings within one-half (1/2) mile of the University of Maryland at College Park campus center, and located outside the US 1 Corridor Sector Plan, to vary the bedroom percentages allowed under Section 27-419 of the Zoning Ordinance without the approval of a special exception application. For projects that have an approved and valid detailed site plan, such as the Mosaic at Turtle Creek (DSP-08001), the proposed variation is eligible for review and approval by the Planning Director as a limited minor amendment pursuant to Section 27-289(c) of the Zoning Ordinance, provided the number of approved dwelling units is not increased.

- D. **Master Plan Recommendation:** The property is currently owned by the State of Maryland. As such, the 1989 and 1990 approved master plan for Langley Park-College Park-Greenbelt and vicinity SMA recommended a public or quasi-public land use for the subject property and further retained the existing R-55 Zoning designation in order to reflect the zoning and character of the surrounding properties. All of the surrounding properties are located in the R-55 Zone. This application, which proposes a residential multifamily condominium development, does not conform to the public or quasi-public land use recommendations within the 1989 & 1990 approved master plan for Langley Park-College Park-Greenbelt and vicinity. However, the application does conform to the recommendations of the University of Maryland 2002 Facilities Master Plan as updated by the Board of Regents in 2006.

The 1989 & 1990 master plan recommends infill development with "residential densities compatible with existing densities to preserve acceptable levels of public facility service, primarily an adequate transportation system (p. 65)." Guideline 6 on page 72 states: "High-density housing

should be located only in such a manner as to relate to, and maximize convenience to, public and private service facilities for the greatest number of people in the area, and only where designated in the Plan." Guideline 8 on the same page states: "Multifamily development should have direct access to arterial or collector roads and should not have primary access through single-family residential streets." The proposed application does not meet these recommendations.

The 2002 University of Maryland Facilities Master Plan establishes a vision and guidance for the continued growth of the University of Maryland, College Park campus. According to the Facilities Master Plan, the subject property is designated as part of the "Southwest District" of the campus, and an undesignated building site, flagged as "N94" that is slated for new construction in the years 2011 and beyond. Appendix B details the specific recommendations for all identified building sites including N94, which is recommended as a two story building with a "Special" functional use and 50,000 planned square feet of space.

In a letter dated June 26, 2006, Vice President for Administrative Affairs, John D. Porcari states that the University System of Maryland Board of Regents approved the condominium proposal and recognized the unique nature of the project as being consistent with, and supportive of, the Facilities Master Plan. This approval has the effect of updating the Facilities Master Plan in accordance with the proposal.

The subject property was rezoned to the R-10 (Multifamily High Density Residential) Zone on September 18, 2006 thru the District Council's approval of Zoning Map Amendment, A-9983-C (Zoning Ordinance No. 17-2006). This zone, which allows a maximum density of 48 dwelling units per net acre, in conjunction with the revised University of Maryland Facilities Master Plan, will permit multifamily residential development and density as envisioned by the applicant and the University for the subject property. Conditions of this rezoning action pertinent to review of this application include:

- 2.f. "Building design and site design meet the goals of the University of Maryland facilities plan, to...Reduce the number of automobiles on campus, and eliminate vehicular congestion, as far as possible...."
- 2.g. "Ninety-five percent of the necessary parking is structured."

The 2002 *Prince George's County Approved General Plan* establishes three policy Tiers, 26 Centers, and 7 Corridors (subsequently amended to 27 Centers and 8 Corridors). The subject property is located within the Developed Tier, which envisions a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.

The 2002 General Plan outlines a number of goals for the Developed Tier, three of which are of particular relevance to this application: strengthen existing neighborhoods, encourage appropriate infill, and encourage more intense, high-quality housing and economic development in Centers and Corridors. This site is not located within a Center or a Corridor.

With the amendment of the Facilities Master Plan by the Board of Regents in 2006, this application meets the purposes of that plan for the subject property to maximize convenience to the public and private facilities and amenities offered by the proximity of the University of Maryland.

- E. **Request:** Based on the proposed bedroom mix that was provided in the applicant's revised statement of justification, 678 parking spaces are required by the Zoning Ordinance to serve the 300-unit multifamily building. The applicant proposes to provide a total of 451 parking spaces on the property, and therefore seeks the approval of a departure for 227 parking spaces.
- F. **Surrounding Uses:** All of the surrounding properties are located within the R-55 (Single-Family Detached Residential) Zone. To the south of the subject property are recorded but undeveloped lots within the College Heights West Subdivision. To the east of the property are existing single-family detached dwellings and the main campus of the University of Maryland. To the north are existing single-family detached dwellings and a church, or similar place of worship. To the west of the property is a church, or similar place of worship, and undeveloped lots within the College Heights West Subdivision.
- G. **Parking and Loading Regulations:** Based on the proposed bedroom mix that was provided in the applicant's revised statement of justification, 678 parking spaces are required by the Zoning Ordinance to serve the 300-unit multifamily building. The applicant proposes to provide a total of 451 parking spaces on the property, and therefore seeks the approval of a departure for 227 parking spaces.

One loading space is required to serve the building. The general notes provided on the submitted site plan indicate that two loading spaces will be provided on the property. A general loading area is designated on the site plan. However, the actual loading spaces are not reflected on the plan.
- H. **Prince George's County Landscape Manual:** The requirements of the *Prince George's County Landscape Manual* were reviewed for this property at the time of detailed site plan. During the detailed site plan review process it was determined that the applicant was unable to meet the 20-foot-wide landscape yard width required by Section 4.7 of the Landscape Manual along the site's northern property line. A 12-foot-wide Washington Suburban Sanitary Commission (WSSC) access easement encroached into the required 20-foot-wide landscaped yard, therefore, preventing the applicant from providing the full bufferyard width for 125 feet of the 760-foot northern property line. The applicant filed an Alternative Compliance application to request relief from Section 4.7 of the Landscape Manual. Additional plant units, sight-tight fencing and a retaining wall were implemented in this area to offset the width reduction within the landscape yard. The Alternative Compliance Committee found the applicant's proposal to be equal to, or better than, the strict requirements of the Landscape Manual and the Committee recommended approval of the application to the Planning Director. Alternative Compliance Application, AC-09003, was approved by the Planning Director on April 7, 2009.
- I. **Referral Comments:** None of the referral responses noted any objection to the revised departure request.

- J. Required Findings: Departure from Parking and Loading Standards**
Section 27-588(b)(7)(A) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:

(b)(7) Required 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 proposes a Transit Demand Management Plan (TDM) that has been designed to maximize the use of alternative forms of transportation and to minimize the reliance on single-occupancy vehicle trips. The applicant's Transit Demand Management Plan includes the use of the University of Maryland Shuttle Bus, two parking spaces for car sharing, bicycle racks, pedestrian connections to the University, and the site's proximity to the College Park Metro Station as justification for the departure request.

The site's main access, for both pedestrian and vehicular uses, is via a private drive and sidewalk entering from Mowatt Lane. The proposed sidewalk provided along this private drive does not connect to the existing sidewalk located along the east side of Mowatt Lane. The site plan is not proposing to provide an appropriate sidewalk connection, handicapped ramps and a crosswalk from the proposed private sidewalk to the existing sidewalk along Mowatt Lane. A condition of approval has been recommended to require these features to be reflected on the site plan prior to certification.

A letter from the University of Maryland's Vice President for Administrative Affairs, Ann G. Wylie, was received on February 28, 2011. The letter states that the University of Maryland endorses the applicant's departure request and that the project will advance numerous mutual goals for high quality, transit-oriented development in and around our communities. The University further stated that the approximate parking ratio being proposed by the applicant of 1.5 spaces per unit is consistent with current thinking in urban planning for transit-oriented projects that seek to minimize parking in order to bolster the use of other modes of transportation.

Since this proposed development is being marketed to a non-student population, there is a question as to whether future residents will be permitted to use Shuttle UM. In the past, with the sole exception of the route serving the College Park Metro Station, Shuttle UM has only been available for students, persons affiliated with the University who possess a valid University ID, and City of College Park residents. The subject property is currently located outside the City of College Park.

By a separate letter dated March 1, 2011, the University of Maryland stated the following concerning their agreement with the developer of Mosaic at Turtle Creek to provide shuttle bus service;

"This community is being designed as intergenerational housing that will provide luxury living to retired faculty, professors and others who desire a unique residential environment that includes concierge service and access to campus amenities. In recognition of this connection with the campus, and to the extent permitted under applicable law, the University has agreed to negotiate a contract to provide shuttle bus service between the project and the campus under separate agreement with the University's Department of Transportation Services, on such terms and conditions as the University grants to immediately contiguous apartment complexes."

Within the City of College Park's staff report for this application, the City has stated that the subject property is currently owned by the State of Maryland. However, the applicant has committed to annexation into the City of College Park and that the annexation is anticipated to take place at the time the applicant acquires the property.

While the units within the subject property will not be wholly within the one-mile radius of the College Park Metro Station, the front door to the multifamily building is within the one-mile mark and the project therefore complies with the spirit and intent of the code.

The purposes of the Parking Regulations seek, among other things, to provide parking and loading areas sufficient to serve the needs of the use and to aid in relieving traffic congestion on the streets by reducing the use of public streets for parking and loading. The purposes of the Parking Regulations will be served by the applicant's request, as the 451 parking spaces that are proposed on-site would be the maximum amount of parking spaces required by the Zoning Ordinance if the property were wholly located within a one-mile radius of a metro station. Within the submitted statement of justification, the applicant states that two metro stations are proposed that will likely be located well within a one-mile radius of the subject property. It is envisioned that a Purple Line Station will be located less than a quarter mile from the subject property which will further reinforce the subject property's status as a transit oriented development. Once the construction of the Purple Line Station occurs, the applicant would be entitled by right to the parking reduction that is now being requested thru the subject departure application.

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

Although the property is not wholly within a one-mile radius of a metro station as required by Section 27-568(a)(1)(B) of the Zoning Ordinance in order to receive the parking reduction, the applicant argues that the front door of the multifamily building is within the one-mile mark, and therefore complies with the spirit and intent of the Prince George's County Code. The Planning Board agreed with this in principal when granting the prior parking departure, DPLS-336, in October of 2008.

On February 2, 2011, an amended Statement of Justification was submitted by the applicant that included a revised departure request and a revised bedroom mix for the 300-unit multifamily building. The applicant's amended departure request proposes to provide 451 parking spaces to serve the 300-unit multifamily building when a total of 678 parking spaces are required by the Zoning Ordinance. Therefore, a departure of 227 parking spaces is requested.

The Planning Board's prior approval of DPLS-336 on October 30, 2008, reduced the parking requirement for the property from 690 parking spaces to 527 spaces. The applicant now proposes 451 parking spaces to serve the property, which represents the waiver of 76 additional spaces when compared to the prior approved departure request. At the time of the prior departure application, the Planning Board found that the property should be allowed to utilize the parking reduction provided in Section 27-568(a)(1)(B) of the Zoning Ordinance for multifamily dwellings that are wholly located within a one-mile radius of a metro station. The proposed bedroom mix in the multifamily building has been adjusted in accordance with current housing market demand since the time the Planning

Board granted the prior departure request in 2008. The required parking for multifamily developments is based on the total number of dwelling units in the building, plus the number of bedrooms that are in excess of one per unit. Therefore, any changes to the proposed bedroom mix will affect the overall parking requirement for the property.

The applicant is now requesting to utilize the same parking reduction that was previously granted by the Planning Board in 2008 in allowing this property to be subject to the parking requirements for multifamily dwellings that are wholly located within a one-mile radius of a metro station. The only difference between the current and prior approved departure application is the total number of parking spaces that are required based on the bedroom mix that was proposed at the time of each departure request. The applicant's current request to provide 451 parking spaces on the site is consistent with the total number of parking spaces required if the property were wholly located within a one-mile radius of a metro station. Therefore, the Planning Board finds that the departure is the minimum necessary, given the specific circumstances of the request.

- (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 departure is necessary to balance the goals of providing sufficient parking while reducing the need for expansive surface parking, particularly in areas where alternative transportation opportunities exist. The 451 spaces being proposed by the applicant would be the total amount of parking spaces required if the property were wholly located within a one-mile radius of a metro station. With the front door of the multifamily building being located within the one-mile mark from a metro station, even though the entire property as a whole is not located within a one-mile radius, the departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location.

- (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**

Although the Zoning Ordinance provides only one method for calculating the number of required spaces for the development of a multifamily building on this property, the front door of the proposed building will be located within a one-mile radius of a metro station, and therefore, should be allowed to utilize the parking requirements for multifamily dwellings that are wholly situated within a one-mile radius of a metro station. Furthermore, the subject property will be wholly within

one-mile of future Purple Line stations that are proposed to be located within the vicinity of the project.

The site plan submitted for the current application does not reflect the same bedroom percentages that were shown on the prior approved Detailed Site Plan DSP-08001. The required parking for multifamily developments is based on the total number of dwelling units in the building, plus the number of bedrooms that are in excess of one per unit. Therefore, any changes to the proposed bedroom mix will affect the overall parking requirement for the property.

Prior parking departure, DPLS-336, was granted by the Planning Board primarily due to the site's proximity to the metro station. The current departure application is only necessary in order to reflect the updated bedroom mix that is now proposed for the 300-unit multifamily building. The applicant proposes 451 parking spaces which is the total number of spaces that would be required if the property were wholly located within a mile radius of a metro station. Therefore, all methods for calculating the number of spaces required have been used.

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

Although the site is surrounded by residential zoning categories, the private access road that will serve the property will be connected directly to Mowatt Lane. Aerial photographs taken in April of 2010 demonstrate that a majority of the abutting residentially-zoned property to the south has not yet been developed.

Several of the abutting residential zoned properties to the north and east of the site are currently developed with institutional uses, and are therefore, not used for residential purposes. Extensive sensitive environmental features that are associated with the Brier Ditch Creek watershed, including streams, Waters of the U.S., wetlands, and 100-year floodplain provide separation between the multifamily building and the abutting residential uses to the south. The existence and preservation of these sensitive environmental features ultimately dictated the current location of the private right-of-way easement that will serve the property.

The private access road from Mowatt Lane is only intended to serve the future residents of Mosaic at Turtle Creek. Therefore, access to the abutting residential zoned properties is not possible or practical. The parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted, because there is no ability to access any of the adjacent residentially zoned properties from the private right-of-way easement that will serve the property.

(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 is not proposing any off-site parking. All parking and loading spaces will be internally confined to the subject property. On September 18, 2006, the District Council approved Zoning Map Amendment A-9983-C, which rezoned the majority of the property from the R-55 Zone to the R-10 Zone. Conditions of this rezoning require ninety-five percent of the necessary parking to be structured. With the exception of seven parking spaces that will be located in the front of the multifamily building, all of the parking and loading spaces will be located within the building's underground parking garage. The private right-of-way easement that will provide the site with a direct connection to Mowatt Lane is over 500 feet in length. Therefore, besides the parking spaces that will be provided on the subject property, there are no available on or off street parking spaces that are situated within 500 feet of the property.

Although there is paid public parking available at the Mowatt Lane garage which is located in close proximity to the subject property, all the required parking spaces for the multifamily building can be accommodated within the building's own underground parking structure. Adequate room does exist on the site for the applicant to provide the number of parking spaces that are required by the Zoning Ordinance. However, at the time of detailed site plan review, the applicant was required to demonstrate substantial conformance to the zoning conditions that were established for this property by the District Council within their approval of Zoning Map Amendment A-9983-C. These conditions include, but are not limited to, reducing the number of automobiles on campus, and eliminating vehicular congestion, as far as possible, as well as implementing strategies to guarantee the promotion and availability of transit opportunities and usage for all residents and visitors, and to facilitate easy access to the University of Maryland campus and its activities, while minimizing vehicle trips and parking demands.

The applicant is proposing to provide 451 parking spaces on the property, which would be the total number of parking spaces required for a multifamily building that is wholly located within a one-mile radius of a metro station. While the units within the building may be located outside the one-mile radius of the metro station, the front door will be within the one-mile radius and the property, is therefore, in substantial conformance with the spirit and intent of the Code. Should the Purple Line metro stations be constructed within a one-mile radius of the Mosaic at Turtle Creek Property, the project would be entitled to utilize the

parking reduction by right that is now being requested through the subject departure application.

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

This application, which proposes a residential multifamily condominium development, does not conform to the public or quasi-public land use recommendations within the 1989 & 1990 approved master plan for Langley Park-College-Park-Greenbelt and vicinity. However, the application does conform to the recommendations of the University of Maryland 2002 Facilities Master Plan as updated by the Board of Regents in 2006. With the amendment of the Facilities Master Plan by the Board of Regents in 2006, this application meets the purposes of that plan for the subject property to maximize convenience to the public and private facilities and amenities offered by the proximity of the University of Maryland.

The 1989 & 1990 approved master plan for Langley Park-College-Park-Greenbelt and vicinity retained the R-55 Zone for this property. However, a majority of the property was rezoned to the R-10 Zone on September 18, 2006 through the District Council's approval of Zoning Map Amendment A-9983-C (Zoning Ordinance No. 17-2006).

In a memorandum dated February 15, 2011, the Community Planning North Division stated that there are no General Plan or master plan issues with a reduction in the amount of required parking to 451 spaces in accordance with Section 27-568(a)(1) of the Zoning Ordinance for multifamily development located within one-mile of a metro station.

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

On March 8, 2011, The College Park City Council approved the application with the following conditions:

1. The City of College Park shall receive a referral and be provided an opportunity to review and comment on any requests for modification to the bedroom percentages at the subject property.
2. Prior to the signature approval of the Departure from Parking and Loading Standards, the plan shall be revised to show a connection from the sidewalk along the driveway to a crosswalk that connects to the sidewalk at the southwest corner of the Mowatt

Lane parking garage. The applicant shall provide the appropriate handicapped ramps, secure any required easements or other grant of approval to insure construction of the sidewalk connection on University of Maryland owned property and complete construction prior to issuance of the final use and occupancy permit.

3. Prior to the issuance of a building permit, the Entity agrees to provide to the City of College Park a dedicated fee in the amount of Thirty One Thousand Dollars and No/100 (\$31,000.00) (the "Bikeshare Fee") for the City's bikeshare program to fund the purchase and installation by the City of an extra small bikeshare station (4 bikes, 7 stalls) at a mutually agreeable location in the vicinity of the Project. In the event that within twelve (12) months of the date of the issuance of a Use and Occupancy permit for the Project the bike share station to be funded by the Bikeshare Fee is not installed on the agreed upon location, the Bikeshare Fee shall be promptly returned by the City to the Entity.
4. The City acknowledges that once the Property is annexed into the City, the residents will be entitled to apply for the same opportunity to use the University of Maryland Shuttle as any other resident of the City.
5. Prior to approval of the DPLS by the Planning Board, the applicant shall enter into an Amended Declaration of Covenants and Agreement Regarding Land Use and an Amended Memorandum of Understanding, (in substantially the form as required by the City). The City Manager is authorized to sign the Agreement and Memorandum of Understanding on behalf of the City.

Additional Comments from the City of College of Park:

- The Applicant is proposing to construct 300 units of market rate multifamily apartments and is requesting a reduction in the number of required parking spaces. A previous departure for parking was granted in 2008 and the applicant is requesting a departure for an additional 64 parking spaces.
- Although the subject property is not located wholly within one mile of a metro station, the site is partially within the one mile radius for the College Park Metro station. This was found to be

sufficient justification to apply the Metro formula for parking for the prior departure. The applicant will be providing 1.5 parking spaces per unit or .99 spaces per bedroom. The City supports the applicant's request that this parking ratio be applied to the project should the bedroom percentages be modified in the future.

- The subject property is currently owned by the University of Maryland and the Applicant has agreed to annex into the City upon transfer of the land.

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

There are no public parking facilities in the Prince George's County Capital Improvement Program (CIP) (Fiscal Year 2011–2016) that are proposed within the general vicinity of the property.

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

(i) Public transportation available in the area;

Part of the subject property is located within one-mile of the College Park Metro Station and the site may be well within a mile of at least two proposed Purple Line Stations.

By a letter dated March 1, 2011, the University of Maryland stated the following concerning their agreement with the developer of Mosaic at Turtle Creek to provide shuttle bus service;

"This community is being designed as intergenerational housing that will provide luxury living to retired faculty, professors and others who desire a unique residential environment that includes concierge service and access to campus amenities. In recognition of this connection with the campus, and to the extent permitted under applicable law, the University has agreed to negotiate a contract to provide shuttle bus service between the project and the campus under separate agreement with the University's Department of Transportation Services, on such terms and conditions as the University grants to immediately contiguous apartment complexes."

A Transportation Demand Management Plan (TDM Plan) was submitted by the applicant that proposes alternative forms of transportation in an effort to reduce the number of vehicle trips that will be generated by the development. The TDM plan proposes the use of shuttle bus service, pedestrian pathways, zip car priority parking, bicycle racks, and the establishment of an assigned Transportation

Coordinator that will coordinate carpooling or ridesharing programs for the future residents of the building.

(ii) Any alternative design solutions to off-street facilities which might yield additional spaces;

A Detailed Site Plan DSP-08001, was approved for the property by the Planning Board on October 30, 2008. Two companion departure applications, DPLS-336 and DDS-587 were heard and approved by the Planning Board on the same day as the detailed site plan application. Departure from Parking and Loading Standards DPLS-336 was approved for a waiver of 163 parking spaces, while Departure from Design Standards DDS-587 was approved to allow the parking spaces within the parking garage to be reduced to 18 feet by 8.5 feet.

The Planning Board finds that the applicant should be able to utilize the standard parking requirements within Section 27-568(a)(1) of the Zoning Ordinance for multifamily dwellings that are wholly located within a one-mile radius of a metro station. A total of 451 parking spaces are required on the property, and the applicant is proposing to provide 451 parking spaces on the site. Therefore, there are no alternative design solutions to off-street facilities which might yield additional spaces.

In this instance, the applicant has adequate land area available on their own property to provide the number of parking spaces that are required by the Zoning Ordinance. However, due to the site's close proximity to the metro station, and in an effort to implement the District Council's conditional zoning requirements for this property by promoting the availability of transit opportunities and to facilitate easy access to the University of Maryland campus and its activities, while minimizing vehicle trips and parking demands, the applicant respectfully requests the ability to utilize the parking requirements for multifamily dwellings that are wholly located within a one mile radius of a metro station.

(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;

The application proposes a multifamily residential use on land that is situated in a Residential Zone. All of the surrounding properties are also located in a Residential Zone. Therefore, the above finding is not applicable to this application.

(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 proposes the new development of a multifamily building in the R-10 Zone. Although the property is located in both the R-10 and R-55 Zones, the proposed multifamily building will be entirely confined to the portion of the site that is located in the R-10 Zone. A majority of the land area where the private access road is proposed is located in the R-55 Zone.

No information has been submitted by the applicant that 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. Therefore, the above finding is not applicable to this application.

- K. **At the Public Hearing:** The applicant requested that a condition of approval be added (Condition 3) that would allow the reduced parking requirements for multifamily dwellings that are wholly situated within a one mile radius of a metro station to apply to the project at the time the approved detailed site plan is administratively revised to reflect the final unit count and bedroom mix for the building. At the public hearing for this application on March 24, 2011, the Planning Board agreed with the applicant's request to add the condition. The condition, entitled as Condition 3, has been added accordingly.

The applicant also requested additional language to be added to Condition 2 to clarify that the required revision to the approved detailed site plan will be an administrative review process. The Planning Board agreed with the applicant's request and Condition 2 was revised accordingly.

The applicant also requested minor revisions to Condition 1. However, at the public hearing both the Planning Board and the applicant determined that the requested revisions were not necessary. Therefore, no changes were made to Condition 1.

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 conditions:

- I. Prior to certification, the site plan shall be revised to show the following:
 - a. Update the parking schedule to reflect the new bedroom mix, the overall parking requirement for the property based on the new bedroom mix, and provide a general note that specifies the applicant's revised departure request.

- b. Show proposed sidewalk connections, handicapped ramps and crosswalks between the proposed private sidewalk and the existing sidewalk along Mowatt Lane.
2. Prior to the administrative approval of the revised detailed site plan, the following revisions shall be addressed on the detailed site plan:
 - a. Revise the configuration of the surrounding lots to be consistent with final plat PM 226 @ 72, and label the land area that is south of the private access road as being Lot 3 in accordance with final plat PM 231 @ 17.
 - b. Provide the square footage of the proposed building on the site plan.
 - c. Remove the 52-foot building restriction line (BRL) from the site plan that is not reflected on recorded final plat, PM 231 @ 17, and re-label the site plan to demonstrate this as being a 52-foot building setback.
 - d. Add the conservation easement and 100-year floodplain easement to the site plan in accordance with final plat, PM 231 @ 17.
3. Prior to the issuance of a building permit, the plans may be revised to adjust the total number of parking spaces provided, in correlation to the final unit count and bedroom mix. Such revision may be approved at staff level and shall reflect a minimum of 1.33 parking spaces per one bedroom and an additional .33 parking spaces for each additional bedroom, or other ratio as recommended by the Transportation Planning Section.

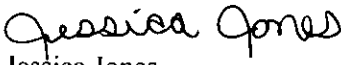
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

* * * * *

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, March 24, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of April 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Acting Planning Board Administrator

PCB:JJ:JF:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NC/PC Legal Department

Date 4/1/11