



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 10-08

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 File No. DDS-600

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed DDS-600 requesting a departure for the location of two loading spaces without driveway access along Toledo Terrace 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:** This application includes two departure requests. The applicant has requested a departure from Section 27-481 of the Zoning Ordinance to allow vehicles to enter or exit two loading spaces within the northern portion of Building 1 on Parcel B, Georgian Plaza, directly from or onto Toledo Terrace. The applicant has also requested a departure from Section 4.7 of the *Prince George's County Landscape Manual* to allow for the integration of the southern property line of Parcel B, Georgian Plaza directly against the adjacent parking compound, instead of providing a formal planting bufferyard between the proposed development and Prince George's Plaza. Companion cases to this request for a departure from design standards are Detailed Site Plan DSP-09006 and Departure from Parking and Loading Standards DPLS-341.

2. **Development Data Summary**

	EXISTING	APPROVED
Zone(s)	R-18	M-U-1
Use(s)	Multifamily	Multifamily, Office & Retail
Acreage	12.46	12.46
Area within 100 year floodplain	0	0
Parcels	1	1
Dwelling Units		
Multifamily	294	1,979
Square Footage/GFA	N/A	Residential—2,255,000 Commercial—59,250 Office—216,000 Total—2,530,250

3. **Location:** Parcel B, Georgian Plaza, is located within Subarea 12 of the Prince George's Plaza Transit District Overlay Zone (TDOZ), at the southwest corner of the intersection of Toledo Terrace and Belcrest Road, north of Prince George's Plaza.
4. **Design Features:** Parcel B, Georgian Plaza is proposed to be developed with 1,979 multifamily units, 59,210 square feet of retail, 176,000 square feet of office, and 40,000 square feet of amenity

space within five buildings. A detailed discussion of the design features is provided in the analysis of the companion Detailed Site Plan, DSP-09006.

5. **Departure from Design Standards from Section 27-581 of the Zoning Ordinance:** Section 27-581 of the Zoning Ordinance sets forth the following requirement:

**Every loading space shall be connected to a street by means of a driveway. The driveway shall be at least twenty-two (22) feet wide, exclusive of curb returns and gutters. In the case of a corner lot, no such driveway shall be located less than twenty (20) feet from the existing or proposed ultimate point of curvature of the curb or the edge of the pavement of an uncurbed section of the street, whichever forms the greater distance to the point of curvature of the fillet of the driveway apron. (See Figure 60, Part 2.)**

Departure from Design Standards DDS-600 is a request to allow vehicles to enter or exit two loading spaces within the northern portion of Building 1 directly from or onto Toledo Terrace. The applicant has provided the following general explanation of this request:

“A total of four loading spaces are designed to serve Building 1. All four are located in the parking garage. Two spaces are located in the parking garage off of the private driveway leading to the garage entrance. These are located at the southern end of the building to serve the office tower. The other two are located in the parking garage on the north end of the building to serve the residential tower. The entrance to the two loading spaces serving the residential tower is accessed directly from Toledo Terrace, not from the private driveway. The building facade fronting on the driveway contains the leasing office and a residential lobby as well as retail space. The design seeks to energize the building frontage facing the plaza. In addition, the location of the loading spaces is the most convenient to the residential tower.

“While the width of the access to the loading spaces is 24 feet wide, and is located more than 20 feet from the point of curvature of the corner, there is no “driveway” which connects to the loading spaces. Vehicles will enter or exit the spaces directly from or onto Toledo Terrace. It has been determined that the current interpretation of Section 27-581 is that loading spaces cannot directly access the street. As a result, a Departure from Design Standards is required.”

Section 27-239.01(b)(7) sets forth the required findings for a departure from design standards:

- (A) **In order for the Planning Board to grant the departure, it shall make the following findings:**
- (i) **The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

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

“The owner submits that the purposes of the parking and loading regulations will be equally well or better served by the proposed site plan. The proposed development has been designed in conformance with the requirements of the Prince George’s Plaza TDDP. As such, the buildings are set at a build-to line close to the street and surface parking lots are avoided. Parking and loading for the proposed building is within a parking garage. Loading in urban areas often occurs directly from the street. In this instance, two off street loading spaces are provided for the residential tower, although access to the spaces is directly from Toledo Terrace. These loading spaces will predominantly be used by residents moving into or out of the building and for the delivery of retail items, such as furniture. They will not be in constant use and such use will generally not occur during times of peak traffic congestion.

“The purposes of the Zoning Ordinance, set forth in Section 27-102 will be equally well or better served by granting the requested departure. These purposes include protecting and promoting health, safety and welfare, guiding orderly growth, promoting the most beneficial relationship between land and buildings, encouraging economic development and lessening the danger of traffic on the streets listed in Section 27-102 are all promoted by this application. In this case, the design criteria of the TDDP, the need to locate the spaces in proximity to the residential building, and the anticipated manner in which the spaces will be used indicate that these purposes will be equally well or better served by the applicant’s proposal.”

The Planning Board finds that the purposes of Subtitle 27 will be equally well or better served by the applicant’s proposal. The compact nature of this project will promote the most beneficial relationship between the land and buildings. The limitation of the use of the loading facilities to off-peak hours will mitigate safety concerns.

**(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 departure from Section 27-581 sought by the owner to allow two loading spaces to directly access Toledo Terrace is the minimum necessary given the specific circumstances of this request. The other road on which the residential building fronts is Belcrest Road, which carries a higher volume of traffic than Toledo Terrace. The TDDP requires that the buildings be set on a build-to line, thus setting the building back to create a driveway does not conform to the TDDP. Locating the spaces adjacent to the loading spaces serving the office building will not be convenient to the residential building and will severely limit the function of the spaces. Finally, providing access from the driveway leading to the parking

garage will alter the function of the plaza proposed by the applicant. The Toledo Terrace frontage is already activated. The urban plaza is proposed to be a major public gathering place, with a lobby serving the residential building. This is anticipated to be the main residential lobby used by the residents, with a drop off and porte cochere. There will be substantial activity in this location, far more than will use the loading spaces. This activity is best kept on the driveway rather than Toledo Terrace. Given the design options available, the departure requested is the minimum necessary."

The Planning Board concurs with the applicant's assertion that the request is the minimum necessary. It is not optimal to have loading facilities adjacent to the proposed plaza on the west side of the building, concern for the safety of users of the proposed loading spaces will be mitigated by the restriction of their use to non-peak hours.

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

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

"While it is generally preferable for loading spaces to be accessed by a driveway off of a road, this site is unique in that it is located within walking distance to a Metro station and is subject to the requirements of the TDDP. A design intended to comply with a suburban parking lot design criterion is not always appropriate in a transit oriented development. This is the only occurrence where the applicant seeks a departure of this type, and it is necessitated by the location of the proposed building. Building 1 will have frontage on Belcrest Road, a major collector, future Toledo Road which is currently a private driveway and a major urban plaza. There are design considerations which require the location of the loading spaces as proposed, and these design considerations are unique to this site and support the granting of the departure."

The Planning Board finds that the departure is necessary to alleviate circumstances unique to the site.

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

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

"The owner submits that the requested departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood. As indicated above, the subject property is proposed for development as a mixed use, transit oriented urban community. Given the design

options available to the applicant, locating the loading spaces as proposed best preserves the integrity of the site and the surrounding neighborhood. Toledo Terrace is a short collector road. It dead ends at MD 410 and Belcrest Road. It mainly serves the proposed development. As proposed by the applicant, Toledo Terrace will become an activated, pedestrian friendly, urban environment. The loading spaces are most conveniently located to serve the residential building with the least disruption to traffic, given the property's location at the intersection with Belcrest Road [sic], and given the location of the main residential lobby."

The Planning Board finds that the visual integrity of the site will be better served by locating the loading spaces on Toledo Terrace.

6. **Departure from Design Standards from Section 4.7, Buffering Incompatible Uses, of the Prince George's County Landscape Manual:** Section 4.7 of the Landscape Manual sets forth the requirements for the buffering of incompatible uses. Departure from Design Standards DDS-600 includes a request to integrate the southern property line of Parcel B, Georgian Plaza directly against the adjacent parking compounds, instead of providing a formal planting bufferyard between the proposed development and Prince George's Plaza, as is required by Section 4.7 of the Landscape Manual. The applicant has provided the following description of this request:

"Section 4.7 of the Landscape Manual requires a buffer between adjacent incompatible land uses. The subject property abuts only one adjacent use, the Mall at Prince George's. The subject property proposes the construction of mixed use transit oriented development. The Landscape Manual provides that "for mixed use developments on a single lot, the use nearest a property line shall determine the buffering requirements for that yard." In this case, the use nearest the common property line with the Mall is retail commercial. As such, the subject property is a medium intensity use, while the Mall is a high intensity use. A medium intensity use abutting a high intensity use requires a B buffer yard, with a building setback of 30 feet and a landscape yard of 20 feet.

"Rather than buffer or screen the subject property from the adjacent shopping center, the applicant is attempting to activate the property line. Immediately adjacent to the subject property is a private driveway that acts as an extension of Toledo Road. This access driveway into the parking lot of the shopping center is controlled by a traffic light at Belcrest Road. Figure 31 on Page 120 of the TDDP, which addresses Subarea 11 (the shopping center) depicts future pedestrian circulation patterns. This Figure clearly depicts the intent to encourage pedestrian circulation on both sides of an extended Toledo Road. Treating the subject development and the shopping center as incompatible uses and requiring buffering is contrary to this clear vision. As a result, the applicant has designed its property edge as an active pedestrian sidewalk, pulling the proposed buildings within 15 feet of the property line in order to activate this potential future street in anticipation of a redevelopment or enhancement of the shopping center property. The applicant has also activated the property line with retail and public amenity uses and high quality architectural building facades. If the applicant does not take advantage of the

redevelopment of its property to integrate these uses now, it is not likely to occur in the future. As a result, although no "buffer" is being provided as would be required with full compliance with the Landscape Manual, the applicant believes the proposed property edge complies with the vision and intent of the TDDP and is better than separating and buffering the two uses."

The applicant states above that the subject application which consists of a mixed-use development is a medium use impact category. The *Landscape Manual* actually requires the application of each use closest to the property line to define the use category.

Section 27-239.01(b)(7) of the Zoning Ordinance sets forth the required findings for a departure from design standards:

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

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

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

"The purposes of the Zoning Ordinance, set forth in Section 27-102 will be equally well or better served by granting the requested departure. These purposes include protecting and promoting health, safety and welfare, guiding orderly growth, promoting the most beneficial relationship between land and buildings, encouraging economic development and lessening the danger of traffic on the streets. Redevelopment of the subject property with a mixed use transit oriented community is recommended by the TDDP. Future redevelopment of the adjacent shopping center is also contemplated. The existing older apartments hinder the prospect of an integrated urban center oriented to the metro. By anticipating this integration, rather than buffering one use from the other, a more beneficial relationship between the uses is fostered, and economic development is encouraged. The applicant's proposal therefore equally well or better serves the purposes of the Zoning Ordinance."

The Planning Board concurs with the applicant's assertion that the purposes of the Zoning Ordinance will be equally well or better served by granting the requested departure.

**(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’s proposal implements exactly the opposite of what the Landscape Manual would normally require. The purpose of the Landscape Manual is to shield incompatible uses from each other. In this case, the proposed development is not incompatible with the shopping center. The residential and office development will benefit the existing retail uses by bringing more potential customers. The proposed retail will complement the shopping center. A dynamic, attractive and activated property boundary will encourage future development to further integrate the uses. The applicant envisions a dynamic urban street between the two properties. Given the vision of the TDDP and its encouragement to redevelop both properties, the departure requested is the minimum necessary.”

The Planning Board finds that the requested departure is the minimum necessary. Due to the nature of the proposed development and the TDDP’s vision for similar mixed-use development on the adjacent property, the proposed treatment of this property line is appropriate. A 15-foot setback has been maintained along this property line, a wide sidewalk abutting the building edge, and a row of 34 shade trees is proposed to be provided.

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

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

“The circumstances presented in this case are clearly unique to this site. The existing [sic] apartment complex is over 50 years old and the owner has a once in a generation opportunity to redevelop the property. The TDDP provides the appropriate vehicle to construct a transit oriented urban community. Developments such as this should not be planned in total isolation. The impact of such development, and the opportunity it creates to encourage future additional improvements, should be considered. The requested departure ensures that the subject property will not continue as an isolated island of land surrounded by roads and separated by buffers from an adjoining incompatible use. Rather, pedestrian access and connectivity will be embraced and the project will be oriented toward mass transit rather than away from it.”

The Planning Board concurs with the applicant’s assertion that the departure is necessary in order to alleviate circumstances which are unique to the site. The buffer required pursuant to Section 4.7 of the Landscape Manual is better suited for more suburban development and not appropriate given the urban nature of the proposed project and the vision set forth for this area as stated in the Approved Transit District Development Plan for Prince George’s Plaza Transit District Overlay Zone (TDDP).

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

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

“The approval of the departure will enhance the visual and functional integrity of the site and surrounding neighborhood by implementing the vision of the TDDP to create a transit oriented mixed use development which is pedestrian friendly. Pedestrians will be able to move through the site from north to south and east to west such that use of mass transit is encouraged. This will also improve the environmental quality of the surrounding neighborhood. Buffering and screening the subject property from the shopping center will discourage pedestrian connectivity and may prevent future integration of the properties into a cohesive urban community.”

The Planning Board concurs with the applicant’s assertion that the departure will not impair the visual, functional, or environmental quality or integrity of the site or surrounding neighborhood. As mentioned above, the integration and activation of this southern edge is appropriate given the urban nature of the proposed development and its adjacency to the Prince George’s Plaza access drive. The TDDP envisioned a pedestrian pathway along this property line, the provision of which will functionally enhance pedestrian connectivity within the TDOZ. The establishment of a bufferyard in this location would detract from this connectivity and would create a visual screen between two properties that are envisioned by the TDDP to be developed compatibly as mixed-use, pedestrian-friendly urban communities.

7. **Referral Agencies and Departments:**

**Department of Public Works and Transportation (DPW&T)**—In a referral dated November 19, 2009 (Abraham to Lareuse), DPW&T stated that the proposed loading entrance backing directly onto Toledo Terrace, located on the south side of Toledo Terrace at the intersection of Belcrest Road, is too close to the intersection. This proposed loading entrance is not acceptable.

**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 Departure from Design Standards DDS-600 from Section 4.7, Buffering Incompatible Uses, of the *Prince George’s County Landscape Manual*, and APPROVED Departure from Design Standards DDS-600 from Section 27-581 of the Zoning Ordinance for Belcrest Plaza Mixed-Use the above-noted application, subject to the following condition:



1. The loading spaces serving Building 1 shall not be used during peak hours, 6:30 a.m. to 9:30 a.m. and 4 p.m. to 7 p.m.

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 and Parker voting in favor of the motion, with Commissioner Cavitt voting against 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 4<sup>th</sup> 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  
*Mac*  
M-NCPPC Legal Department  
Date 1-28-10