



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 11-19

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File No. DDS-604

## RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed DDS-604, Domain College Park requesting a departure from design standards for a standard, nonparallel parking space size of 9 feet by 18 feet; the location of two loading spaces and their driveways within 50 feet of residentially-zoned property; and Section 4.4 and Section 4.2 of the December 2010 *Prince George's County Landscape Manual* 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 February 24, 2011, the Prince George's County Planning Board finds:

1. **Request:** This application includes departure requests from four Zoning Ordinance and the December 2010 *Prince George's County Landscape Manual* design standards. The applicant has requested: a departure from Section 27-558(a) of the Zoning Ordinance to allow a reduced standard, nonparallel parking space size of 9 feet in width by 18 feet in length to be used for all of the provided parking spaces; departures from Section 27-579 of the Zoning Ordinance to allow for two loading spaces and their driveways to be located within 50 feet of residentially-zoned property; departures from Section 4.4 of the Landscape Manual, Screening Requirements, for loading spaces located at the end of entrance drives that are perpendicular to Campus Drive and Mowatt Lane; and one mechanical area and a departure from Section 4.2 of the December 2010 *Prince George's County Landscape Manual* due to the location of streetscape plantings within the ultimate right-of-way. Companion to this departure from design standards application is Detailed Site Plan DSP-09031, and Alternative Compliance AC-11001.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	M-X-T	M-X-T
Uses	Vacant	256 Multifamily Units 10,000 sq. ft. of Retail
Acreage	2.66	2.66
Lots	0	0
Parcels	4	1
Building	0	271,000 square feet

3. **Location:** The 2.66-acre property is located at 7720 Mowatt Lane in College Park, and has frontage on Mowatt Lane and Campus Drive. The property is located in Planning Area 66 within the Developed Tier.

4. **Design Features:** The subject property, Domain College Park, is a 2.66-acre parcel and is zoned M-X-T (Mixed-Use Transportation-Oriented). The underlying case, Detailed Site Plan DSP-09031, proposes to develop the site with a single mixed-use building containing residential apartments above ground floor retail and structured parking. The property is currently improved with a residential structure adjacent to a church along the western property line, and a substation along the southern property line, which are zoned R-55 (One-Family Detached Residential). The property is bounded by public rights-of-way for Campus Drive, along the northern property line, and Mowatt Lane, along the eastern property line.
5. **Departure from Design Standards from Section 27-558(a) of the Zoning Ordinance:** Section 27-558(a) of the Zoning Ordinance sets forth the following requirement:

**The size of parking spaces shall be as follows:**

TYPE OF SPACE	MINIMUM SIZE (IN FEET)
Standard car spaces:	
Parallel	22 by 8
Nonparallel	19 by 9 ½
Compact car spaces:	
Parallel	19 by 7
Nonparallel	16-½ by 8

Departure from Design Standards DDS-604 includes a request to allow a reduced standard, nonparallel parking space size of 9 feet in width by 18 feet in length to be used for all of the provided parking spaces. The applicant has provided the following general explanation of this request:

“The proposed twelve (12) inch length departure and six (6) inch width departure will allow the parking structure users ample space to maneuver within the parking structure. Also, the parking space design standards required by the Zoning Ordinance are more applicable to surface lots rather than parking structures. Due to the unique set of construction and space utilization circumstances associated with parking structures, the application of the same design standards as those used for surface parking is not necessarily the most efficient use of parking structure space. Thus, pursuant to §27-239.01(b)(7), the Applicant asserts that this departure meets all of the required findings for a DDS.”

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

- (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;**

**Applicant's Justification:** The applicant provided the following justification in response to this requirement:

"Generally, the purposes set forth in Subtitle 27 are to protect the health, safety and welfare of the residents and workers in Prince George's County. The purposes of this Subtitle will be equally well or better served by the Applicant's proposal to reduce the size of the off-street parking spaces located within the parking structure to eighteen (18) feet in length by nine (9) feet in width. . . . The specific purposes of Subtitle 27 contained in §27-102 of the Zoning Ordinance are as follows:

- "1. To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;**

"The proposed [departure] will promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County by ensuring that current and future inhabitants have a quality mixed-use development to patronize. The parking space departure promotes the development of a convenient, compact, mixed-use development by making efficient use of parking structure space and ensuring that more parking area is not necessary.

- "2. To implement the General Plan, Area Master Plans, and Functional Master Plans;**

"The requested [departure] ensure[s] that Domain College Park meets the Developed Tier policy to encourage medium to high density, mixed-use, transit- and pedestrian- oriented development by allowing the Applicant to design the development as a true mixed-use project. In order to minimize the amount of area dedicated to parking on the subject property, the parking space departure allows for the Applicant to maximize the amount of parking within a limited amount of space.

- "3. To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities;**

"The requested [departure] promote[s] the creation of a mixed-use community that will be developed with adequate public facilities. Adequacy of public facilities is tested at the time of Preliminary Plan of Subdivision. Domain College Park has an approved Preliminary Plan of Subdivision, PGCPB No. 10-68 (Case # 4-09039). Thus, adequacy of public facilities has already been established.

**"4. To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;**

"The requested [departure] will assist in the orderly development of the County by ensuring that Domain College Park can be developed in a manner consistent with the M-X-T Zone and as designed on the Detailed Site Plan. The parking space size departure . . . will ensure that the subject property is developed in a compact, mix use, transit oriented manner.

**"5. To provide adequate light, air, and privacy;**

"The proposed [departure] will in no way affect the adequacy of light, air or privacy. If the Planning Board does not grant the proposed [departure], the Applicant may have to designate more area for parking which may result in the blocking of light.

**"6. To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;**

"The proposed [departure] will promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining developments. The parking design departure will minimize the impact of the parking structure by ensuring that more area is not designated for parking, which would increase the size of the parking structure.

**"7. To protect the County from fire, flood, panic, and other dangers;**

"The proposed [departure] will in no way diminish the County's ability to protect against fire, flood, panic, and other dangers.

**"8. To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;**

"The proposed [departure is] for a mixed-use multifamily development which is adjacent to the University of Maryland. The multifamily development will be new construction and will meet all of the appropriate building codes. Thus, [the departure] will assist in insuring that sound, sanitary housing will be provided in a healthy living environment.

**"9. To encourage economic development activities that provide desirable employment and a broad, protected tax base;**

"The proposed [departure is] for a mixed-use multifamily development that will have 11,000 square feet of retail floor area. This development will increase the commercial tax base of the County and provide numerous jobs for County residents.

**"10. To prevent the overcrowding of land;**

"The parking space design departure ensures that more area designated for parking is not required. . . . Thus, these departures will not overcrowd the land.

**"11. To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;**

"The proposed parking [departure] will in no way contribute to the congestion of traffic on the streets. The parking departure is merely for the size of the parking spaces in the parking structure.

**"12. To insure the social and economic stability of all parts of the County;**

"The proposed [departure is] to ensure that a mixed-use multifamily development can be developed in an area just outside of the current city limits of College Park. The ground floor of the development will feature retail, and the development will feature an outdoor plaza area. Thus, [the departure] will assist in insuring the social and economic stability of this area of the County.

**"13. To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;**

"The proposed [departure] will in no way diminish the ability to protect against undue noise, and air and water pollution. These departures do not impact stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features. Since these departures do not impact these natural features, this purpose is not applicable.

**"14. To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and**

"The proposed [departure] will in no way diminish the ability to provide open space to protect scenic beauty and natural features of the County, as well recreational space. [The departure] will ensure that Domain College Park is a

compact, mixed-use, transit oriented development. The [departure is] for the size of the parking spaces in the parking structure.

**"15. To protect and conserve the agricultural industry and natural resources."**

"The proposed [departure] will in no way diminish the conservation of agricultural industry and natural resources. Domain College Park is on land in the M-X-T Zone and is surrounded by residentially zoned land. The [departure is] for the size of the parking spaces in the parking structure.

The Planning Board finds that the purposes of Subtitle 27 will be equally well or better served by the applicant's proposal. Specifically, the reduced parking space size has allowed for a more compact and efficient structured parking design. The more compact spaces will meet the needs of the site's users without overcrowding the land, or negatively impacting open space, adjacent land uses, or environmentally sensitive areas. Therefore, the Planning Board concurs with the applicant's assertion that the purposes of Subtitle 27 will be equally well or better served by the applicant's proposal.

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

**Applicant's Justification:** The applicant provided the following summarized justification in response to this requirement:

"The proposed departure to reduce the size of the off-street parking spaces in the parking structure are the minimum necessary, given this is a mixed-use development. In 2009, this property was rezoned by the District Council in Zoning Map Amendment A-10011 from the R-55 Zone to the M-X-T Zone. The Applicant is only seeking a twelve (12) inch length reduction and a (6) inch width reduction. Also, this departure would be the minimum necessary to create optimal parking efficiency within the confines of the parking structure and will ensure that all of the Applicant's parking spaces are provided within the parking structure."

The Planning Board finds that the request is the minimum necessary. The reduction is for one-half-foot in width and one foot in length, which provides a parking space that is larger than allowed compact spaces. The departure is necessary to ensure that the required parking spaces can be provided entirely within the parking structure.

**(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;**

**Applicant's Justification:** The applicant provided the following summarized justification in response to this requirement:

"The requested departure is necessary in order to alleviate circumstances which are unique to the subject property by allowing all of the required parking for the subject property to be located in the parking structure. Since the Applicant is providing all of the necessary parking on-site, the surrounding environment will not be burdened with overflow due to the parking needs of the residents of Domain College Park. If the Planning Board decided not to grant the requested parking space design departure, then the Applicant would need to designate more area to parking."

The Planning Board finds that accommodating a mixed-use building on a two and one-half acre parcel requires space-conscious site planning. Reduced parking space sizes is one necessary way the development proposal can meet parking requirements while achieving some residential density and a mix of uses.

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

**Applicant's Justification:** The applicant provided the following summarized justification in response to this requirement:

"The departure will not impair the functional quality or integrity of the subject property or the surrounding area because the Applicant is only requesting a twelve (12) inch length and a six (6) inch width departure. This departure will actually improve the visual integrity of the subject property and the surrounding neighborhoods by ensuring that the Applicant does not have to designate more area for parking. The parking needs for the subject property will be handled completely within the subject property."

The Planning Board finds that a reduction in parking space size within the structured parking facility will not impair the visual, functional, or environmental quality or integrity of the site or surrounding neighborhood. Regarding the functional nature of the alternative design, a parking space size of 18 feet in length by 9 feet in width is a typical size endorsed in The Dimensions of Parking published by the Urban Land Institute (ULI) and the National Parking Association (NPA) (Fourth Edition, 2000). These standards support a parking space width of 9 feet for standard size spaces in a setting with moderate to higher turnover parking, as is anticipated for this project.

6. **Departure from Design Standards from Section 27-579(b) of the Zoning Ordinance:** Section 27-579(b) of the Zoning Ordinance sets forth the following requirement:

**Section 27-579. Location**

- (b) No portion of an exterior loading space, and no vehicular entrances to any loading space (including driveways and doorways), shall be located within fifty (50) feet of any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan).**

The subject departure includes a request to allow for two loading spaces and their associated driveways to be located within fifty feet of residentially-zoned properties. The applicant has provided the following general explanation of this request:

“The Applicant’s site is located on the southwest quadrant of Campus Drive and Mowatt Lane and is in the M-X-T Zone. The development that the Applicant proposes has two loading spaces. One of the loading spaces is located near the Church parcel, the property adjacent and to the west of the subject property on Campus Drive. The other loading space is located near the Pepco substation parcel, the property adjacent and to the south of the subject property on Mowatt Lane. Both the Church parcel and the Pepco parcel are in the R-55 Zone. Since these loading spaces, and associated driveways, are located near the border of the subject property, they are within fifty (50) feet of residentially zoned property. Thus, the Applicant requests that the Planning Board grant a DDS for the location of the loading spaces.”

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

- (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;**

**“Applicant’s Justification:** The applicant provided a justification in response to this requirement, which has been summarized below:

“Generally, the purposes set forth in Subtitle 27 are to protect the health, safety and welfare of the residents and workers in Prince George’s County. The purposes of this Subtitle will be equally well or better served by the Applicant’s proposed location of the loading spaces. . . . The loading spaces are located on the two portions of the subject property that are adjacent to residentially zoned properties. However, one of these residentially zoned properties has a church on it and the other is the home of a Pepco substation. Thus, the overall intent to guard residential communities from loadings spaces will not be served by strict adherence to §27-579 of the Zoning Ordinance since the residentially zoned



properties within fifty (50) feet of the subject property's loading spaces have not been developed as residential communities and are used for institutional and utility purposes.

- "1. To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;**

"The proposed [departure] will promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County by ensuring that current and future inhabitants have a quality mixed-use development to patronize. . . . The proposed location of the loadings spaces will promote safety since the Mowatt Lane loading space access roughly aligns with the existing median break and the Campus Drive access location is located as far from the traffic circle as possible to alleviate traffic circle conflicts. Also, the loading space locations allow for materials to be delivered to the development in an orderly fashion and not serve as a distraction for residents and patrons.

- "4. To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;**

"The requested [departure] will assist in the orderly development of the County by ensuring that Domain College Park can be developed in a manner consistent with the M-X-T Zone and as designed on the Detailed Site Plan. The . . . loading space location departure will ensure that the subject property is developed in a compact, mix use, transit oriented manner.

- "6. To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;**

"The proposed [departure] will promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining developments. . . . The proposed location of the loading spaces will not have an adverse impact on adjoining developments because the loading spaces will have adequate buffers. Also, the use on one of the adjoining parcels that is near a loading space is a Pepco substation, a utility use. The use on the other adjoining parcel is a church, an institutional use. Both of these uses are not traditional residential uses.

- "11. To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;**

"The proposed loading space departure will lessen the danger of congestion of traffic on streets since the Mowatt Lane loading space access roughly aligns with the existing median break and the Campus Drive loading space access location is located as far from the traffic circle as possible to alleviate traffic circle conflicts.

**"14. To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and**

"The proposed [departure] will in no way diminish the ability to provide open space to protect scenic beauty and natural features of the County, as well recreational space. [The departure] will ensure that Domain College Park is a compact, mixed-use, transit oriented development. The [departure is] for the . . . location of the loading spaces."

The Planning Board largely concurs with the applicant's assertion that the purposes of Subtitle 27 will be equally well or better served by the applicant's proposal. The Planning Board offers the following discussion regarding one purpose of the Zoning Ordinance contained in Section 27-102 (a):

**(6) To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;**

The bufferyards between the loading and access drive locations and the adjacent properties are the subject of companion Alternative Compliance Application AC-11001. The Planning Board approves of the bufferyards with conditions, and determines that the buffers will be equally effective as those required by the December 2010 *Prince George's County Landscape Manual*.

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

**Applicant's Justification:** The applicant provided the following summarized justification in response to this requirement:

"The proposed locations of the two (2) loading spaces are the minimum necessary, given the specific circumstances of the request. The proposed development, Domain College Park DSP-09031, is located at the intersection of Campus Drive and Mowatt Lane on 2.66 acres of land. Located to the west of the subject property is a church, and located to the south of the subject property is a Pepco substation. Despite the residential zone of the adjacent properties, neither those properties are being used for traditional residential purposes; those properties are currently being uses for institutional and utility purposes. Also, neither of these properties have cases that are pending which propose the use of these properties

for traditional residential purposes. Due to the specific size and dimensions of the site, the location of the loading spaces is the minimum necessary to ensure that the subject property has adequate loading spaces while retaining a subject property design that promotes the stated mixed-use, urban in-fill goals of the M-X-T Zone.”

The Planning Board finds that the request is the minimum necessary. Both loading spaces are required for the development. While the loading spaces themselves have some limited ability to be relocated with redesign of the parking facility, the access drives to the loading spaces would still require departures. Although the adjacent uses are not traditional residential uses the fifty-foot loading setback does apply because the uses are permitted in the adjacent Residential Zone.

- (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;**

**Applicant’s Justification:** The applicant provided the following summarized justification in response to this requirement:

“As mentioned above, the subject property is uniquely located between two residentially zoned properties, both of which are in the R-55 Zone. One of the two properties is a church parcel, and the other property is used as a Pepco substation. Neither of these properties [is] used for traditional residential purposes. Thus, this DDS for the location of the loading spaces is necessary to alleviate the unique location of the subject property between two residentially zone properties that are not being used for traditional residential purposes. The two residentially zoned properties are currently being used for institutional and utility purposes. The DDS also ensures that the subject property has adequate loading spaces while retaining a site design that promotes the stated mixed-use, urban in-fill goals of the M-X-T Zone.”

The Planning Board finds that there are some specific circumstances associated with the site not mentioned above. The site is a corner lot. Due to the location at the intersection of Campus Drive and Mowatt Lane, the location of the access drives is best suited as proposed, near the edge of the mixed-use building farthest from the intersection. This provides some significant design limitations with regard to access and distance of that access from adjacent properties.

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

**Applicant’s Justification:** The applicant provided the following summarized justification in response to this requirement:

"The proposed location of the loading spaces will not impair the visual, functional, or environmental quality or integrity of the subject property. Domain College Park has been designed with these proposed locations of the loading spaces envisioned. Thus, the relocation of the loading spaces would impair the visual and functional quality or integrity of the subject property. The proposed location of the loading spaces will not impair the visual, functional, or environmental quality of the surrounding neighborhoods. The adjacent property to the west of the subject property on Campus Drive has a church on it. The loading space adjacent to the church parcel is set back over one hundred (100) feet from the building face. The church parcel is separated from the loading space by a decorative metal fence. The loading dock is recessed from the church property by a retaining wall. The adjacent property to the south of the subject property on Mowatt Lane has a Pepco substation on it. The loading space adjacent to the Pepco substation is set back over one hundred (100) feet from the building face. The Pepco substation and the loading space are separated by a screen fence and landscaping. The Applicant will also provide adequate buffer (through landscaping and fencing) along this portion of the subject property."

The Planning Board finds that the proposed location of the access drives and loading spaces along the edge of the subject property has some visual and functional consequences.

The loading spaces and their access drives will be high-use areas employed by vehicles entering and exiting the site daily, and by pedestrians traversing these drives to access the public amenity to the rear of the site. The design of the access drives within a few feet of the adjacent property line compresses the pedestrian access to the rear of the site. The loading spaces further truncate a visual and functional connection to the labyrinth plaza, which is a key public amenity provided by the applicant.

During the review process, it was recommended that the applicant provide brick pavers along the full length of the access drives and loading space location. The specialty pavers were intended to reduce the visual impact of the loading areas on the adjacent uses by improving the appearance of the features creating that impact, and to encourage access by multi-modal users. The Planning Board finds that pedestrian-scaled details along the access drive would encourage vehicles to be more mindful of pedestrian use, and support a pedestrian-focused vision for Domain.

The applicant articulated some practical limitations to providing the pavers along the full length of the drive, particularly the expense and durability of specialty paving materials in high use areas. As a compromise, the applicant proposes brick pavers in the location of the loading areas to reduce the impact of the loading areas on adjacent uses. The Planning Board finds the proposal to be acceptable and approves alternate conditions to improve the

access areas in a way that encourages pedestrian use and minimizes loading and access drive impacts:

- The applicant shall provide brick pavers in the crosswalks at the entrances to both access drives to direct pedestrians to the Labyrinth Plaza.
- The proposed walkways from the Campus Drive and Mowatt Lane frontages to the Labyrinth Plaza shall include an enhanced sidewalk treatment consisting of brushed concrete with paver banding, consistent with that proposed along the Campus Drive frontage.
- Retaining walls abutting proposed pedestrian access to the Labyrinth Plaza shall be clad in brick, stone, or stucco material compatible with the proposed development, or a simulated brick, stone, or stucco.
- The applicant shall provide a sign plan to direct the public to the outdoor plaza. The entranceways to the access drives shall be enhanced with directional signage that shall be approved by the Urban Design Section as designee of the Planning Board.

If approved with the above conditions the Planning Board finds that the departure from Section 27-579(b) of the Zoning Ordinance would meet the required findings for approval.

6. **Departure from Design Standards from Section 4.4, Screening Requirements, of the December 2010 Prince George's County Landscape Manual:** Section 4.4(c) of the Landscape Manual sets forth the following requirement:

**Section 4.4(c)**

- (2) Loading spaces, loading docks, maintenance areas, and access driveways adjoining these areas shall be screened from adjoining existing residential uses, land in any residential zone, or land proposed to be used for residential purposes on an approved basic plan, approved official plan, or any approved conceptual, detailed, or special exception site plan. Loading spaces, loading docks, and maintenance areas shall also be screened from constructed public streets.

**Options:**

- (a) Six (6) foot high sight-tight fence or wall; or
- (b) Minimum two (2) foot high berm, densely planted with vegetation to achieve a screen with an ultimate height of at least six (6) feet; or

- (c) **Six (6) foot high evergreen screen (trees or shrubs, minimum six (6) feet high at planting, minimum nine (9) feet on center, double staggered row); or**
- (d) **A combination of the above options.**

The applicant was denied Alternative Compliance from Section 4.4, Screening Requirements, for a loading space located at the end of an entrance drive which is perpendicular to Campus Drive and five feet from the western property line. The applicant is proposing a transparent, decorative metal fence along and atop a variable height masonry wall along the western property line that is adjacent to the church and provides no screening from the right-of-way due to the direct access to the loading space from the entrance drive.

The applicant was denied alternative compliance for a second loading space and mechanical equipment that are located at the end of an entrance drive that is perpendicular to Mowatt Lane and parallel to the southern property line. The applicant is proposing to screen the loading space and mechanical equipment from the southern property by providing a seven-foot-high wooden, sight-tight fence. However, the loading space is also not proposed to be screened from the public right-of-way due to the direct access to the loading space from the entrance drive. The applicant stated that the mechanical equipment is not proposed to be screened from the entrance drive in order to allow Potomac Electric Power Company (PEPCO) direct access to the mechanical equipment.

The companion Alternative Compliance decision is contained in AC-11001.

Due to denial of the Alternative Compliance request for Section 4.4, the applicant has chosen to include these requests as part of the subject departure application pursuant to Section 1.3(f) of the December 2010 *Prince George's County Landscape Manual*.

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

- (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;**

**"Applicant's Justification:** The applicant provided a justification in response to this requirement, which has been summarized below:

- "1. To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;**

"The loading space and mechanical structure screening departure will protect and promote the health, safety, and welfare of the present and future inhabitants of the County by not providing a concealed area where individuals can hide on the property. This departure will also ensure that loading vehicles will have direct access to the loading spaces and Pepco engineers will have direct access to the mechanical equipment.

**"4. To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;**

"The requested departures will assist in the orderly development of the County by ensuring that Domain College Park can be developed in a manner consistent with the M-X-T Zone and as designed on the Detailed Site Plan. The . . . screening departures . . . will ensure that the subject property is developed in an urban, compact, mixed-use, transit oriented manner.

**"6. To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;**

"Both the requested Landscape Manual departures, screening and the landscape along the public street, will not have an adverse impact on adjoining developments because these requirements are intended to provide buffers from the public street, not adjoining developments.

**"14. To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and**

"The proposed departures will in no way diminish the ability to provide open space to protect scenic beauty and natural features of the County, as well recreational space..."

The Planning Board finds that the purposes of the December 2010 *Prince George's County Landscape Manual* directly support goals six and fourteen. Screening is intended to protect adjoining property owners and the public. If approved with conditions, the Planning Board finds that the purposes of this Subtitle will be equally well or better served.

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

**Applicant's Justification:** The applicant provided the following summarized justification in response to this requirement:

"The departures from the loading space and maintenance area screening from the public street requirements found in 4.4 of the Landscape Manual are the minimum necessary, given the specific circumstances of the request. The Applicant is requesting two (2) loading space screening departures; one (1) departure for the loading space located off Campus Drive; and one (1) departure for the loading space located off Mowatt Lane. The Applicant is also requesting a departure from the screening requirement for the maintenance area located off of Mowatt Lane. The Campus Drive loading space is set back over 150 feet from the public street. Further, the Campus Drive loading space is partially recessed. The Mowatt Lane loading space and maintenance area are set back over 70 feet from the public street. Both the Campus Drive and Mowatt Lane loading spaces and the Mowatt Lane maintenance area are surrounded by adequate buffers which will restrict the view from all angles except from the public street. The Applicant asserts that this buffering, through a combination of using the proposed development, shrubs, and fencing shows the Applicant's commitment to satisfying the spirit of this requirement. However, the Applicant cannot provide adequate screening from the public road and retain the same level of safety for Domain College Park residents and patrons. If the Applicant provides loading space screening from the public roads, it will create a concealed location where individuals can hide. Also, Domain College Park is an urban, compact, mixed-use development. The requirements set forth in the Landscape Manual are suburban in nature. Thus, the Applicant asserts that it is the application of the more suburban landscape standards to an urban, compact, mixed-use development which requires the departures. "

The Planning Board does not concur with the applicant's assertion that the request is the minimum necessary. Screening of the mechanical areas can 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;**

**Applicant's Justification:** The applicant provided the following summarized justification in response to this requirement:

"Domain College Park is an urban, compact, mixed-use, transit oriented development which will ultimately be within the City limits of College Park. Due to the unique compact nature of Domain College Park, the loading spaces for this development are located along the western and southern property lines of the development, and the maintenance area is located on the southern side of the property. The only way to access the western loading space is from Campus Drive. The only way to access the southern loading space and the maintenance area is from Mowatt Lane. The Applicant has proposed adequate buffering along all sides of both loading spaces and the maintenance area, except for the view



from the public street. The Applicant asserts that the screening which could be provided would necessarily block access to the loading space and significantly detract from the aesthetics of the building design and adjacent trail to the plaza. The Applicant also asserts that providing any screening of the loading spaces or the maintenance area from the public streets will create an unsafe environment by creating a concealed location where individuals can hide. The Applicant contends the aesthetic appeal which the screening from the public street will provide is far outweighed by the safety concerns which will be created if this screening departure request is not granted and a screen is required. Thus, these departures are necessary to retain a safe environment for this uniquely compact development. Also, Domain College Park is an urban, compact, mixed-use development. The requirements set forth in the Landscape Manual are suburban in nature. Thus, the Applicant asserts that the application of the suburban landscape standards to an urban, compact, mixed-use development create the need for the departures."

The Planning Board finds that the compact development plan, which is partially the result of the site's M-X-T Zone, is a circumstance that directly affects the site's ability to meet each requirement of the Landscape Manual. It would be very difficult for the applicant to provide screening for the loading spaces with the layout proposed. It is also difficult for the applicant to provide the loading internal to the parking garage, which would meet the requirements for screening.

The Planning Board finds that the compact site is not sufficient justification for lack of screening for the mechanical areas.

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

**Applicant's Justification:** The applicant provided the following summarized justification in response to this requirement:

"The proposed departures from the loading space and maintenance area screening requirement will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhoods. The proposed locations of the loadings spaces are along the western and southern property lines. The proposed location of the maintenance area is along the southern property line. The only way to access the western loading space is from Campus Drive. The Applicant proposes to buffer the Campus Drive loading spaced from the Church parcel by providing a seven (7) foot decorative metal fence. The other side of the loading space will be buffered by the development. The only way to access the southern loading space is from Mowatt Lane. The Applicant proposes to buffer the Mowatt Lane loading space and maintenance area from the Pepco parcel by providing plant material and a seven (7) foot wood fence. The departures requested are merely to allow the Applicant to depart from providing screening for

the loading spaces and maintenance area from the public streets. The requested departures do not negatively impair the visual, functional, or environmental quality of the site. In fact, this departure will likely increase the visual and functional integrity of the site by eliminating a visual barrier and by not creating a concealed place for individuals to hide. "

The screening requirement is intended to preserve the visual integrity of the site. The Planning Board finds that the departure from screening will have direct impact on the visual integrity of the site.

Due to safety concerns and accessibility, the Planning Board does not recommend that any screening, through use of walls, fences, or plant materials, be provided for the loading spaces. With the previously conditioned improvements to the pedestrian aspects of the access drives, and proposed brick pavers in the location of the loading, the loading spaces will have inconsequential impact on the visual integrity of the site. They will not require screening, and the site will invite public use.

The applicant has not provided adequate justification for the lack of screening for the transformers, which will be visible from the public right-of-way. At a meeting with the applicant and the Potomac Electric Power Company (PEPCO) on December 12, 2010, PEPCO only asked that the applicant provide a detail of screening proposed for review. PEPCO's comments did not preclude the applicant from providing screening. The Planning Board finds that a wall, fence, or evergreen screen should be provided between the transformer location and public right-of-way, to screen the transformers from the public right-of-way, and recommends use of a fence or wall due to the space limitations on the site. The applicant shall provide a detail of the proposed screening for review and modification by PEPCO as a condition of approval for granting the departure from the mechanical area screening. If the applicant, PEPCO, and the Urban Design Section, as designee of the Planning Board, cannot find a mutually agreeable solution then the Planning Board supports a departure from the mechanical area screening for this site. However, at this point adequate justifications have not been provided.

The Planning Board finds that the departure from Section 4.4 of the December 2010 *Prince George's County Landscape Manual* meets the required findings for approval, as approved with conditions.

7. **Departure from Design Standards from Section 4.2, Landscape Strips along Streets, of the Landscape Manual:** Section 4.2(c) of the Landscape Manual sets forth the following requirement:

**Section 4.2(c)**

- (2) **For all nonresidential uses in any zone and for all parking lots, a landscape strip . . . shall be provided on the property abutting all public and private streets. The**

**landscape strip may not include any paved area except pedestrian sidewalks or trails which cross the landscape strip.**

Although there are a variety of design options for the Landscape Strip along Streets, which are discussed at some length in the Landscape Manual, the 4.2 requirement is generally a 10-foot-wide landscape strip requirement with one shade tree and a number of shrubs to be planted for each 35 linear feet of street frontage excluding driveway openings.

The applicant was denied alternative compliance from Section 4.2, Requirements for Landscaped Strips along Streets, of the December 2010 *Prince George's County Landscape Manual* for providing the required 10-foot-wide landscaped strips within the public rights-of-way of Campus Drive and Mowatt Lane, and technically outside of the limits of the property boundary. Although the landscape strips proposed along the street provide over double the required shade trees and shrubs, the future existence of these plantings cannot be guaranteed by the applicant because of the location of the materials largely within the public rights-of-way. The proposed structure is placed at the ultimate right-of-way line of Mowatt Lane and very close to ultimate the right-of-way of Campus Drive; therefore the proposed design of the site does not allow any space for the landscape strips to be relocated should Campus Drive and Mowatt Lane be widened to the full extent of the Master Planned rights-of-way. The Planning Board found the proposal unacceptable, based upon the premise that if the streets are widened to the ultimate planned right-of-way per the November 2009 *Approved Countywide Master Plan of Transportation*, the landscape strips as indicated on the site plan would no longer exist. The Planning Board did not find the proposal to be an equally effective alternative to the normal requirements of the December 2010 *Prince George's County Landscape Manual*.

The companion alternative compliance decision is contained in Alternative Compliance Application AC-11001.

Due to denial of the Alternative Compliance request for Section 4.2, the applicant has chosen to include the request as part of the subject departure application pursuant to Section 1.3(f) of the December 2010 *Prince George's County Landscape Manual*.

The subject application includes a departure from Section 4.2, Landscape Strips along Streets, of the December 2010 *Prince George's County Landscape Manual*. The applicant has provided the following general explanation of this request:

“Although the Applicant cannot strictly adhere to section 4.2 of the Landscape Manual...the Applicant does propose an alternative which will provide an enhanced streetscape for patrons and residents. The Applicant proposes a landscape strip within the Campus Drive right-of-way which will exceed the planting requirements outlined within the Landscape Manual. The proposed landscape strip is fourteen (14) feet in width. The placement of the landscape strip in this location will create a “grove” of landscaping that will enhance the pedestrian plaza experience. Since the street-level portion of the building along Campus Drive features retail use, and not residential use, the Applicant wants to

preserve the visibility of the retail use in order to attract quality retail tenants and encourage retail use. The Applicant asserts that the unique corner location and the urban compact nature of the site prevent the Applicant from strictly adhering to the suburban landscape strip requirement outlined in the Landscape Manual. The Applicant also asserts that the proposed landscape strip will enhance the safety for those pedestrians who will be walking along Campus Drive by providing sidewalks that are farther away from the street.”

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

**(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 Planning Board finds that while the applicant’s proposal does not meet standards for alternative compliance, the proposal is a reasonable development proposal that incorporates high quality streetscape design. While these improvements are being made in the right-of-way, they will support an improved quality of life for Domain College Park’s residents and patrons. The purposes of this Subtitle will be equally well or better served by the applicant’s proposal.

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

**Applicant’s Justification:** The applicant provided the following summarized justification in response to this requirement:

“The departure from the landscape strip along Campus Drive is the minimum necessary, given the specific circumstances of the request. The Applicant fully intends to provide the quality landscape strip, however the landscape strip that the Applicant proposes is partially within the ultimate Campus Drive right of way. In order to create an enhanced pedestrian plaza experience along the Campus Drive street frontage, the Applicant proposes a landscape strip fourteen (14) feet in wide which will create a “grove” of landscaping. As the street-level portion of the building along Campus Drive features retail use, and not residential use, the Applicant wants to preserve the visibility and transparency of the retail use in order to attract quality retail tenants and encourage retail use. This design also provides for a safer pedestrian experience, as it brings pedestrians further off of the Campus Drive street edge. Also, the proposed landscape strip is suited for an urban, compact, mixed-use development such as Domain College Park. Thus, this departure is the minimum necessary the Applicant can provide while balancing

the need for an aesthetically appealing landscape strip and the need for a safe pedestrian experience.”

The Planning Board finds that the departure is the minimum necessary for the development to proceed in its proposed form. If the departure is not granted then the applicant will have to provide a 4.2, Landscape Strip along Streets, on its property. This would involve additional setbacks along its street frontage, resulting in a comprehensive revision to the detailed site plan.

- (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;**

**Applicant’s Justification:** The applicant provided the following summarized justification in response to this requirement:

“The landscape strip along Campus Drive departure is necessary in order to alleviate circumstances which are unique to the site. Domain College Park is a compact, mixed-use, transit oriented development. Due to the unique compact nature of the site, the unique site layout, and the unique public right-of-way planned for Campus Drive, the Applicant cannot maximize the pedestrian experience by creating a “grove” of landscaping along the Campus Drive street frontage and be in strict conformance with the these requirements of the Landscape Manual. The landscape strip that the Applicant proposes exceeds the planting requirement and the size for the landscape strip which would normally be required. If it were not for the unique public right-of-way on Campus Drive, the landscape strip proposed by the Applicant would be adequate. Thus, the Applicant is requesting this departure in order to create a larger, safer, and more enhanced landscape strip then that which would normally be required.”

The Planning Board finds that the compact development plan, which is partially the result of the site’s M-X-T Zone, is a circumstance that directly affects the site’s ability to meet each requirement of the December 2010 *Prince George’s County Landscape Manual*. The location of the landscaping in not optimal from the standpoint of the Landscape Manual, but the plant materials provided are greater than those generally required.

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

**Applicant’s Justification:** The applicant provided the following summarized justification in response to this requirement:

“This departure from the landscape strip along Campus Drive will not impair the visual, functional, or environmental quality or integrity of the site or the

surrounding neighborhoods. The Applicant contends that by granting this departure, the visual, functional, environmental quality, and integrity of the site will be enhanced. The proposed departure will allow the Applicant to proceed with the proposed landscape strip which will create a "grove" of landscaping that will enhance the pedestrian plaza experience. The landscape strip that the Applicant proposes is fourteen (14) feet in width and will exceed the planting requirement. The integrity of the site will not be compromised by granting this departure and allowing the Applicant to proceed with the landscape strip that has been proposed since the Applicant intends to provide the fourteen (14) foot landscape strip. Finally, by providing a larger landscape strip, the Campus Drive pedestrian experience is made safer because people will be farther away from the road."

The Planning Board finds that the departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood. The plant materials proposed within the right-of-way exceed the requirements of the Landscape Manual. If in the future, railway alignment results in a large alteration of the streetscape including removal of plant materials, the applicant shall revise the detailed site plan to relocate key amenities provided in the streetscape such as bike racks, benches, artwork, a bike share station, and plant materials. No revision to a granted departure from 4.2 along Campus Drive or Mowatt Lane would be necessary. A condition to that effect can be found in the Planning Board Resolution No. 11-18 for Detailed Site Plan DSP-09031.

**6. Further Planning Board Findings and Comments from Other Entities:**

- a. **Transportation Planning**— The Planning Board adopts the following analysis of the Departure from Design Standards Departure to allow a standard, nonparallel parking space size:

Regarding the parking space size, the first request, it is observed that the applicant has proposed a parking space size (18 feet in length by 9 feet in width) that is a typical size endorsed in *The Dimensions of Parking published by the Urban Land Institute (ULI)* and the National Parking Association (NPA) (Fourth Edition, 2000). These standards support a parking space width of 9 feet for standard size spaces in a setting with moderate to higher turnover parking, as is anticipated for this project. In addition, the publication recommends minimum module dimensions for a 90 degree parking space of 18 feet long with a 24-foot-wide aisle. This may be considered to be similar to the Zoning Ordinance requirements for the minimum standard size space for 90 degree parking, which is a 19-foot long space and a minimum 22-foot-wide aisle.

Given that the applicant is proposing parking space sizes that are consistent with the module sizes recommended by the ULI and NPA for each of the requested departures, it would appear that reduced parking space sizes will be the smallest practical size that these

authorities recommend for functionality reasons, and that therefore, the departure is the minimum necessary. Given the various development goals for the site in the granting of the M-X-T Zone, the Planning Board finds that the first departure request regarding parking space size is supportable.

- b. **Permit Review**—All standard parking spaces are 9.5 feet by 19 feet instead of 9 feet by 18 feet, as shown on the plans.
- c. **The City of College Park**—On January 25, 2011, the College Park City Council voted to approve with conditions the detailed site plan, alternative compliance request, and subject Departure of Design Standard application DDS-604. At the time of the writing of this technical staff report the subject property had not been annexed into the City of College Park; therefore the Prince George's County Planning Board has authority over the subject departure.

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 signature approval of the site plan the following revisions shall be made:
  - a. The applicant shall provide brick pavers in the location of both loading spaces.
  - b. The applicant shall provide brick pavers in the crosswalks at the entrances to both access drives to direct pedestrians to the Labyrinth Plaza.
  - c. The proposed walkways from the Campus Drive and Mowatt Lane frontages to the Labyrinth Plaza shall include an enhanced sidewalk treatment consisting of brushed concrete with paver banding, consistent with that proposed along the Campus Drive frontage.
  - d. Retaining walls abutting proposed pedestrian access to the Labyrinth Plaza shall be clad in brick, stone, or stucco compatible with the proposed development, or a simulated brick, stone or stucco.
  - e. The applicant shall provide a sign plan to direct the public to the outdoor plaza. The entranceways to the access drives shall be enhanced with directional signage that shall be approved by the Urban Design Section as designee of the Planning Board.
  - f. A wall, fence, or evergreen screen shall be provided between the transformer and loading space location, to screen the transformers from the public right-of-way. The applicant shall provide a detail of the proposed screening for review and possible modification by the Potomac Electric Power Company (PEPCO). If PEPCO communicates to the Urban Design Section that no screening can be provided between the transformers and loading

space, then screening in this location may be omitted. A note shall be placed on the landscape plan stating that screening of the transformer is subject to modification by PEPCO in the field. If modified, the applicant shall submit a letter to The Maryland-National Capital Park and Planning Commission (M-NCPPC), Development Review Division (DRD), Urban Design Section indicating the extent of the revision.

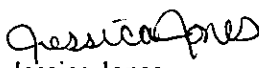
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

\* \* \* \* \*

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 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, February 24, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17<sup>th</sup> day of March 2011.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Acting Planning Board Administrator

PCB:JJ:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCPPC Legal Department

Date 3/8/11