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## Departure from Parking and Loading Standards DPLS-354

Application	General Data	
<p><b>Project Name:</b> The Mosaic at Turtle Creek</p> <p><b>Location:</b> The west side of Mowatt Lane, approximately 1,350 feet south of its intersection with Campus Drive.</p> <p><b>Applicant/Address:</b> Owner Entity Fund II, LLC. 8403 Colesville Road, Suite 705 Silver Spring, MD20910</p> <p><b>Property Owner:</b> The State of Maryland 301 W. Preston Street, Rm. 1309 Baltimore, MD 21201</p>	Planning Board Hearing Date:	03/24/11
	Staff Report Date:	03/09/11
	Date Accepted:	08/09/10
	Planning Board Action Limit:	N/A
	Plan Acreage:	9.54
	Zones:	R-10 & R55
	Number of Dwelling Units:	300
	Lots:	1
	Parcels:	N/A
	Planning Area:	66
	Tier:	Developed
	Council District:	03
	Election District	21
	Municipality:	N/A
200-Scale Base Map:	209NE03	

Purpose of Application	Notice Dates	
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.	Informational Mailing	06/03/10
	Acceptance Mailing:	08/05/10
	Sign Posting Deadline:	02/22/11

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> John Ferrante <b>Phone Number:</b> 301-952-3665 <b>E-mail:</b> John.Ferrante@ppd.mncppc.org	
<b>APPROVAL</b>	<b>APPROVAL WITH CONDITIONS</b>	<b>DISAPPROVAL</b>	<b>DISCUSSION</b>
	X		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT**

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Zoning Supervisor

FROM: John Ferrante, Senior Planner, Zoning Section

SUBJECT: **Departure from Parking and Loading Standards Application, DPLS-354  
The Mosaic at Turtle Creek**

REQUEST: **Waiver of 227 of the 678 required parking spaces**

RECOMMENDATION: **Approval with Conditions**

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NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date of March 24, 2011. The Planning Board also encourages all interested persons to request to become a person of record for this application.

Requests to become a person of record should be made in writing and addressed to The Maryland-National Capital Park and Planning Commission, Development Review Division, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please call 301-952-3530 for additional information.

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FINDINGS

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:**

	<b>EXISTING</b>	<b>PROPOSED</b>
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.

Although copies of the approved stormwater management concept plan and the concept approval letter were not submitted with this application, staff was able to obtain a copy of the approved stormwater concept plan from the case file for DSP-08001. Stormwater Management Concept Plan No. 48462-2006-00 was approved by the Department of Public Works and Transportation (DPW&T) on June 6, 2007.

The initial Statement of Justification submitted by the applicant at the time of acceptance requested a waiver for 365 of the 700 required parking spaces. Staff was unable to support the initial departure request due to transportation concerns that were identified with the applicant's proposal. The Transportation Planning Section concluded that the limited numbers of parking spaces being proposed were not adequate to serve the 300-unit building, and the lack of both resident and visitor parking may result in overflow parking along the 22-foot-wide private access road that serves as the property's only access point to a public street.

Both the Urban Design Section and the Community Planning North Division found the applicant's initial departure request to be unjustified and problematic. The applicant argued in support of using the 2002 College Park/US 1 Corridor Sector Plan Development District Standards to facilitate the granting of reduced parking, despite recognizing the subject property is approximately 1,000 feet away from the sector plan boundaries. Two specific standards of the 2002 Development District Standards were cited and form a cornerstone of the applicant's request for reduced parking: the 10 percent by-right reduction in the number of parking spaces otherwise required within the Development District Overlay Zone (DDOZ), and the provision that allows for an additional 20 percent reduction when alternative modes of transportation are provided.

However, there were two major issues with the applicant's prior argument:

1. The 2002 College Park/US 1 Corridor Sector Plan and DDOZ were superseded by the approval of the 2010 Central US 1 Corridor Sector Plan and Sectional Map Amendment on June 1, 2010. Therefore, the provisions cited by the applicant no longer exist.
2. The subject property is outside the sector plan area, and is in a location with a distinctly different character than the sector plan area, to allow the sector plan standards to apply instead of those that would otherwise affect the subject property. The Community Planning North Division stated that the request, if approved, could have implications for future applications countywide, and may negatively impact the level of certainty citizens expect in community master plans.

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.

A 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 A-9983-C. Conditions of this rezoning require ninety-five percent of the necessary parking to be structured. However, the plans that were submitted by the applicant only demonstrated the seven parking spaces that are proposed in the front of the building. The Zoning Section was able to obtain a copy of the prior approved Detailed Site Plan DSP-08001, which includes the layout of the three-level parking garage that is proposed to serve the building.

- 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:**

1. **Community Planning North Division**—In a memorandum dated February 15, 2011, the Community Planning North Division offered the following comments concerning the departure application:

The applicant seeks a departure from parking and loading standards to reduce the number

of approved parking spaces associated with the development of 300-multifamily dwelling units from the 527 spaces that were established at the time of the prior approved departure application (DPLS-336) to 451 spaces. There are no General Plan or master plan issues with a reduction in the amount of required parking to 451 spaces per Section 27-568(a)(1) of the Zoning Ordinance for multifamily development located within one mile of a metro station.

### **2002 General Plan**

This application is located in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.

New development or redevelopment should enhance established communities, include more mixed-use and more intense development in designated Centers and Corridors, and offer an attractive alternative to the suburban neighborhoods in the Developing Tier.

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.

### **SMA/Zoning**

The 1989 & 1990 approved master plan for Langley Park-College Park-Greenbelt and vicinity retained the R-55 Zone for this property. However, the majority of the property was rezoned to the R-10 Zone in 2006 via Zoning Map Amendment A-9983-C.

### **Requested Departure from Parking and Loading Standards**

The applicant has provided a revised statement of justification in support of the request to reduce on-site parking from 527 spaces to 451 spaces pursuant to County Council Bill CB-14-2009. In this statement of justification, the applicant provides four elements in support of the request.

Those four elements are discussed below.

### **The Subject Property is mostly within the 1 mile radius from a transit station**

In the parent Detailed Site Plan DSP-08001 and in Departure from Parking and Loading Standards DPLS-336, the applicant argued that, as the front door to the proposed building will be within one mile of the College Park metro station, the subject property should be allowed to use the parking requirements for multifamily buildings located wholly within one mile of a metro station. In the approval of these cases, the Planning Board concurred with this premise. Therefore, there are no issues with this element.

### **The Subject Property has an approved Transit Demand Management plan.**

The requested parking departure is supported by the applicant with additional documentation including a proposed Transportation Demand Management (TDM) Plan as reflected in Exhibit C. However, further review of the TDM documentation should be completed by the Transportation Planning Section, specifically the agreement with the Shuttle University of Maryland (UM) bus transit service. 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 located outside the City of College Park.

Since this proposed development is being marketed to a non-student population, there is a real question as to whether future residents will be permitted to use Shuttle UM. The applicant should provide sufficient documentation to address this question with this application, particularly because approval for the parent Detailed Site Plan DSP-08001 mentions this agreement.

The Community Planning North Division defers additional comments regarding the proposed TDM documentation to the Transportation Planning Section.

**Consistent with other Projects.**

The applicant cites two specific recent cases which “have been awarded reduced parking requirements.” These include the Mazza Property in north College Park along US 1, and the Domain College Park case just to the northeast of the subject property. The Community Planning North Division notes that the Mazza Property, which was subject to the 2002 Development District Overlay Zone (DDOZ) when it was approved for development, is currently part of the 2010 DDOZ, and the requirements of an overlay zone do not apply to the subject property for the Mosaic at Turtle Creek proposal.

The applicant states a reduced parking ratio was approved for the Domain College Park property located approximately 500 feet northeast of the subject property. However, no parking requirement has been approved for that development. Domain College Park is subject to a pending detailed site plan. Parking reductions in accordance with Section 27-574 of the Zoning Ordinance for the M-X-T Zone are not granted until a detailed site plan is approved. The Conceptual Site Plan CSP-09002 referenced in the statement of justification merely indicates the future intent of Domain College Park to seek a reduction in on-site parking.

Additionally, Page 4 of the statement of justification incorrectly suggests the subject property borders redevelopment properties within the 2010 Central US 1 Corridor Sector Plan and DDOZ. The sector plan boundary is approximately one-quarter mile east of the subject property.

The statement of justification proposes a shared link to these projects in terms of a broad goal to reduce parking. This is an admirable goal for revitalization of properties in the Developed Tier. However, this element in support of the request to reduce the number of required parking spaces is not pertinent to the review of this application because the circumstances and properties used for comparison purposes are not identical to those of the subject property in terms of zoning and applicable development regulations.

**The Project is a unique concept drawing on the relationship to the University of Maryland College Park Campus.**

The Community Planning North Division concurs with the applicant that the recently approved development at The Mosaic at Turtle Creek offers a unique opportunity to provide multifamily style living for graduates and other people with an affinity to the University of Maryland campus. There are no issues with this element.

### **Supporting Documentation**

In Exhibit B, the applicant demonstrates the amount of parking may be reduced to 451 spaces per Section 27-568(a) of the Zoning Ordinance. The Community Planning North Division notes that this figure would constitute an additional reduction of 76 parking spaces from the 527 spaces that were approved by the Planning Board during the prior departure application, DPLS-336. There are no General Plan or master plan issues associated with an additional reduction of 76 parking spaces, to a total of 451, if the applicant so desires.

2. **Transportation Section**—In memorandum dated February 22, 2011, the Transportation Planning Section offered the following comments concerning the departure application:

The subject site consists of 9.54 acres of land in the R-10 and R-55 Zones. The applicant is requesting a departure to amend the parking departure previously approved by DPLS-336 in connection with detailed site plan (DSP-08001) for the proposed intergenerational multifamily building to be located on the site.

### **Review Comments**

The applicant has submitted a revised justification statement for a waiver of the parking standards in the Zoning Ordinance to allow a reduction of the parking spaces. The Zoning Ordinance provides minimum standards for on-site parking and loading on the subject property for two primary reasons. The standards protect the patrons of the subject property from the problems caused by not having adequate and available parking at hand. The parking standards also protect neighboring property owners from the problems caused by the use resulting in patron parking on adjacent land or streets. From that standpoint, it is generally presumed that the minimum parking standards prescribed by the Zoning Ordinance should be met.

In reviewing the required findings and considerations regarding a departure from parking and loading spaces, the Transportation Planning Section has reviewed the information provided by the applicant, and has the following comments:

In the revised request, the applicant is requesting to waive 76 of the 527 required parking spaces approved by departure DPLS-336, with the remaining 451 spaces to be provided for the intergenerational multifamily building. The Justification Statement's primary rationale for the departure is that the subject property is mostly located within the one mile radius from a transit station. This justification was the primary rationale used to obtain approval of DPLS-336 granted on November 20, 2008 and it appears to be the only applicable justification for this request.

Adequate connectivity should be provided to access between the subject site and other destinations and university uses along Mowatt Lane. The applicant should also provide appropriate documentation that confirms the agreed-upon contractual relationship relative to the usage of the University of Maryland bus transit service (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, person affiliated with the University who possess a valid University ID, and City of College Park residents. The subject property is located outside the City of College Park. Since this proposed development is intended to be marketed to a non-student population, there is a question as to whether residents will be permitted to use Shuttle UM.

In conclusion, the Transportation Planning Section would once again state that the minimum parking standards should generally be met. However, in this circumstance, if the applicant can provide a revised site plan to show adequate connectivity between the subject site and other destinations and university uses and documentation that confirms an agreed-upon contractual relationship with Shuttle UM, the rationale for granting the departure would be met.

**Comment:** 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 the rezoning required several elements to be reviewed at the time of detailed site plan to ensure that Mosaic at Turtle Creek is tied both visually and physically to the University of Maryland campus. Some of the conditions of the rezoning relate to pedestrian linkages and connectivity and to ensure that the building and site design for the project is in compliance with the University of Maryland's facilities plan. Zoning conditions that are pertinent to the review of the subject application are provided below. These conditions were satisfied at the time of preliminary plan and detailed site plan approval.

- a. The exact number of dwelling units for the subject property shall be determined at the time of detailed site plan review. The number shall not exceed 300 dwelling units.
- b. Detailed Site Plan review shall include, but not be limited to determinations that:
  - (1) An implementation strategy is created, to guarantee the promotion and availability of transit opportunities and usage for all residents and visitors, to facilitate easy access to the University of Maryland campus and its activities, while minimizing vehicle trips and parking demands.
  - (2) The housing complex is clearly identified, through site design and pedestrian linkages, as part of the University of Maryland campus, and is tied visually and physically to the main campus.
  - (3) 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;
    - Reinforce the campus's role as a good neighbor in the larger community, by the careful development of sites on the campus periphery or in outlying areas that link to the community; and
    - Preserve the architectural heritage of the campus, and enhance it, through open spaces, gathering places, vistas of green lawn and trees, and groupings of building that promote a sense of community.
  - (4) Ninety-five percent of the necessary parking is structured.

- c. At the time of preliminary plan of subdivision, the applicant shall submit plans, to be approved by the Department of Public Works and Transportation (DPW&T) to ensure that Mowatt Lane can be upgraded, to provide adequate access to the site.

Both the parent Detailed Site Plan DSP-08001, and the prior parking departure for Mosaic at Turtle Creek, DPLS-336, were heard and approved by the Planning Board on the same day. As part of those applications, a pedestrian connection was implemented between the site and the adjacent Hillel Jewish Student Center in order to provide access between the subject property and other destinations and university uses along Mowatt Lane. It was also determined during the review of those applications that the applicant had entered into an contractual agreement with the University of Maryland to allow future residents on this site to utilize the University of Maryland shuttle bus. Conditions 1(e) and 2(a) of PGCPB Resolution No. 08-160 for DSP-08001 required the site plan to be revised prior to certification to show a University of Maryland Shuttle bus stop at the building's front entrance, and to submit plans to the City of College Park for the pedestrian walkway and lighting that will be constructed between the property and Mowatt Lane within the easement area adjoining the Hillel Property.

In a letter dated March 1, 2011, Ann G. Wylie, Vice President of Administrative Affairs for 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”.

3. **Subdivision Section**—In a memorandum dated September 9, 2010, the Subdivision Section provided the following comments concerning the departure application:

The property is known as Lot 4 and consists of approximately 9.54 acres in the R-10 and R-55 Zones. The site is the subject of Preliminary Plan 4-06138, approved by the Prince George's County Planning Board on May 31, 2007 (PGCPB Resolution No. 07-108). The final plat for Mosaic at Turtle Creek was recorded on August 4, 2009 as Plat Book PM 231 @17. The recorded plat contains twelve notes and the following plat notes in bold relate to the review of this application:

2. **This plat is subject to a recreational facilities agreement recorded in Liber 30764 at Folio 314.**
4. **Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC**

**Planning director or designee. The removal of hazardous trees, limbs, branches or trunks is allowed.**

- 5. Development of Lot 4 must conform to the detailed site plan which was approved by the Prince George's County Planning Board on November 20, 2008, DSP-08001, or as amended by any subsequent revisions thereto.**

**Comment:** The application proposes the same development on Lot 4 that was reflected at the time of detailed site plan. The Urban Design Section has found the application to be in substantial conformance with Detailed Site Plan DSP-08001.

- 6. Issuance of building permits is subject to transportation conditions of PGCPB Resolution No. 07-108.**

**Comment:** Conformance to the transportation conditions within PGCPB Resolution No. 07-108 will be determined at the time of building permit.

- 8. Total development of Lot 4 shall be limited to uses which generate no more than 210 am and 240 pm peak-hour vehicle trips. Any development other than that identified herein above shall require an additional preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

**Comment:** Conformance with the trip cap provided in Condition 8 was determined by the Transportation Planning Section at the time of detailed site plan.

- 11. Lot 4 is being platted pursuant to Preliminary Plan #4-06138**

The resolution (PGCPB Resolution No. 07-108) for approved Preliminary Plan of Subdivision 4-06138 contains nineteen conditions. The following conditions in **bold** relate to the review of this application:

- 5. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

**Comment:** Compliance with Condition 5 will be required prior to the issuance of any building permits.

- 8. Total development of the subject property shall be limited to uses that would generate no more than 210 AM and 240 PM peak-hour trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

**Comment:** The Transportation Planning Section has determined that the

application is in conformance with the trip cap that was established at the time of preliminary plan.

12. **Prior to the issuance of any building permits within the subject property, and if deemed necessary by DPW&T, the applicant shall provide a left-turn lane along Mowatt Lane and at the proposed access road shall (a) have full financial assurances, (b) have been permitted for construction, and (c) have an agreed-upon timetable for construction with the City of College Park and/or the appropriate operating agency.**

**Comment:** Compliance with Condition 12 will be required at the time of building permit.

**Plan Comments:**

The application for Departure from Parking and Loading Standards is in substantial conformance with the approved Preliminary Plan 4-06138 and recorded final plat of subdivision subject to the following corrections to the site plan:

- a. The bearings and distances for Lot 4 on the site plan are consistent with the record plat. However, Lot 3 is not shown on the submitted site plan in accordance with final plat PM 231 @ 17. The surrounding lots next to Lot 4 are not laid out or labeled in accordance with record plat PM 226 @ 72. The configuration of the surrounding lots should be revised to be consistent with record plat PM 226 @ 72.
- b. The general notes on the site plan indicate that the development of a multifamily building with 300 units is proposed. However, the square footage of the building should be shown 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. The record plat shows a conservation easement and 100-year floodplain easement; however the site plan does not reflect these easements. The site plan should be revised to reflect the conservation easement in accordance with the recorded record plat.

There are no other subdivision issues at this time.

**Comment:** The site plan deficiencies noted above have no bearing on the applicant's departure request and should be addressed at the time of detailed site plan revision.

4. **Urban Design Section**—In a memorandum dated February 15, 2011, the Urban Design Section provided the following comments concerning the departure application:

The Urban Design Section has reviewed the revised information provided in support of the departure from parking and loading standards application. The applicant proposes a multifamily residential building with 300 units, with a bedroom mix of 186 one-bedroom, 72 two-bedroom and 42 three-bedroom units. The proposed plan is unable to meet the parking requirement of 678 spaces and will provide 451 spaces, including 15 handicapped spaces. The applicant has requested a 227-space departure from the parking

requirements of Part 11 of the Zoning Ordinance. The departure is being justified partially on the basis of a portion of the site being within one-mile of the College Park Metro Station and the applicant's emphasis on integration of alternative forms of transportation.

### **Urban Design Review**

The subject property was the subject of a previous departure application, DPLS-336 (PGCPB Resolution No. 08-161), approved by the Planning Board on October 30, 2008, which granted a departure of 163 parking spaces. In DPLS-336, the proposed 300 residential units, with a bedroom mix of 150 one-bedroom, 120 two-bedroom and 30 three-bedroom units, would have required 690 parking spaces using the parking schedule found in Section 27-568(a)(1)(d) of the Zoning Ordinance. However, per Section 27-568(a)(1)(b), if a multifamily dwelling is located "wholly within a one mile radius of a metro station," a lower parking requirement per unit is allowed. In DPLS-336, the applicant made the argument that since the subject property and proposed building is partially within one mile of the College Park Metro Station, it should be allowed to use the reduced parking ratio which would only require a total of 460 spaces for the 300-unit building. Therefore, the applicant successfully argued that the proposed multifamily building and its 527 proposed parking spaces fit into this allowed exception. At that time, the applicant's argument was that the parking ratio of approximately 1.75 spaces per dwelling unit was sufficient for the proposed development, and that the departure was the minimum necessary.

On July 21, 2009, the County Council approved County Council Bill CB-014-2009, which allowed for variations in the required bedroom percentages approved at the Planning Director level, if the property is within one-half mile of the University of Maryland at College Park campus center and outside the area covered by the August 2009 *Preliminary Central US 1 Corridor Sector Plan and Proposed Sectional Map Amendment*. The subject property meets the requirements for this exception provided in the Zoning Ordinance. Therefore, the applicant wishes, at this time, to amend the approved DPLS to allow for a greater departure based on the revised bedroom mix. Should the subject departure application be approved by the Planning Board, a revision to the approved detailed site plan will be required in order to reflect the revised bedroom mix and overall parking requirement for the property.

The amended departure request for the subject property complies with the reduced parking requirement as allowed by Section 27-568(a)(1)(b) of the Zoning Ordinance and provides an average of 1.5 parking spaces per unit and 0.99 parking spaces per bedroom. The applicant has also requested that a condition of approval of DPLS-354 be added to allow for a staff level revision to reduce the total number of parking spaces required in correlation to the final unit count and bedroom mix at the time of final construction. The Urban Design Section finds this acceptable, if allowed by the Zoning Ordinance, but recommends that a minimum parking space to bedroom ratio of 0.99 to one be established in order to ensure parking is adequate.

The applicant provided a Transportation Demand Management Plan (TDM Plan) in support of their departure from parking and loading standards request. The plan states that pedestrian pathways and sidewalks are provided to connect the subject property to the University of Maryland and other uses. 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 Urban Design Section recommends that the appropriate sidewalk connection, handicapped ramps and crosswalk be provided from the proposed private sidewalk to the existing sidewalk along Mowatt Lane to ensure pedestrian safety in connecting to the University of Maryland and otherwise.

### **Prince George's County Landscape Manual Conformance**

The proposed parking is located almost entirely underground on the lower level of the multifamily building. Seven surface parking spaces are located in the middle of the site which measure less than 7,000 square feet in area and are, therefore, exempt from the parking lot landscaping requirements of Section 4.3 of the *Prince George's County Landscape Manual*.

### **Urban Design Staff Recommendation**

Based on the above analyses, the Urban Design Section suggests the inclusion of the following conditions in the Zoning Section's recommendation for the case:

- a. Prior to the signature approval of the Departure from Parking and Loading Standards, the plan shall be revised to show appropriate sidewalk connections, handicapped ramps and crosswalks between the proposed private sidewalk and the existing sidewalk along Mowatt Lane.
- b. Prior to the issuance of a building permit, plans may be revised to reduce 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 0.99 parking spaces per bedroom, or other ratio as recommended by the Transportation Planning Section.

**Comment:** The applicant has requested that a condition of approval be added to allow for an administrative revision to reduce the total number of required parking spaces in correlation to the final unit count and bedroom mix, should the unit count and bedroom mix be reduced or altered at the time of building permit. The Zoning Section does not agree with the applicant's request to allow a reduced parking ratio to be applied to the project at the time of building permit, regardless of the bedroom mix that is being proposed and the overall parking requirement that is required at that time. While the applicant's departure request to provide 451 spaces to serve the property is supported by staff due to the site's proximity to the metro station, we believe that any future parking reductions should be heard and decided on by the Planning Board based on their individual requests.

The applicant's justification for both the prior and current departure requests is the same, and relates to the site proximity to the metro station. The only difference in the two departure requests were the total number of parking spaces that were required based on the bedroom mix that was proposed at the time of each departure. However, the new bedroom mix that is now proposed is resulting in a waiver request for an additional 76 parking spaces when compared to the prior approved parking departure, DPLS-336. To allow future parking waivers to be approved at a staff level could result in the administrative waiver of an unknown amount of parking spaces. It is unclear how future departures will impact the subject property and the surrounding community. Therefore, staff recommends that any future parking reductions should be heard and decided on by the Planning Board based on their individual requests. If the applicant has not established the final bedroom mix at this time, then the subject departure request may be premature.



5. **Environmental Planning Section**—In a memorandum dated August 10, 2010, the Environmental Planning Section stated that there are no environmental issues associated with the applicant's departure request. No revisions are required to the approved Type-II tree conservation plan.
6. **Permit Review Section**—In a memorandum dated January 19, 2011, the Permit Review Section provided the following comments concerning the departure request:

The prior approved Departure from Parking and Loading Standards DPLS-336 and approved Detailed Site Plan DSP-08001 were justified based upon the subject property being partially within a one-mile radius of Metro. A check of the distance measuring from the closest point of the property to the closest point of the metro station using both PG Atlas and ADC maps shows the property as being located just outside of the one-mile radius. The subject property is well within a one half-mile radius of the University of Maryland at College Park campus center.

Architectural elevations demonstrating the number and size of the parking and loading spaces were not provided.

**Comment:** An Exhibit (entitled as Exhibit "A") was prepared and submitted by the applicant's civil engineer for the purposes of demonstrating that the property is partially located within a one-mile radius of the metro station. The exhibit, which is drawn to scale, was originally prepared and submitted by the applicant during the review of the parent Detailed Site Plan DSP-08001, and the prior approved Departure from Parking and Loading Standards DPLS-336, to demonstrate that the site is partially located within a one-mile radius of the College Park Metro Station.

7. **City of College Park**—The City of College Park has scheduled their work session for this application on March 1, 2011, and a public hearing will be conducted by the City on March 8, 2011. The property is not currently located within the municipal limits of the City of College Park. However, the applicant has committed to annexation into the City which is anticipated to take place at the time the applicant acquires the property. The property is currently owned by the State of Maryland.

The City Council's formal decision on the application will be presented to the Planning Board at the time of public hearing. The City of College Park has recommended approval of the application subject to 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 to construct 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 building permit approval, provide to the City of College Park \$31,000 for installation of an extra-small bike share station in the vicinity of the subject property.**

8. **The University of Maryland**—A letter from the University of Maryland’s Vice President for Administrative Affairs, Ann G. Wylie, was received on February 28, 2011. The University has stated that in continuing their longstanding support for the Mosaic at Turtle Creek project, a luxury residential development to be located at Mowatt Lane near the University of Maryland, the University endorses the applicant’s amended departure request which seeks to reduce the required number of parking spaces.

The University of Maryland has stated that the project will advance numerous mutual goals for high quality, transit-oriented development in and around our communities, and 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.

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”.

9. **Nearby Municipalities**—This application was referred to the City of Hyattsville, the Town of Riverdale Park, and the Town of University Park. No comments were received for this application from the above referenced municipalities.

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.**

**Comment:** 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 with this application 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;**

**Comment:** 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, staff 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;**

**Comment:** 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**

**Comment:** 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.**

**Comment:** 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;**

**Comment:** 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 eliminated 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;**

**Comment:** 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**

**Comment:** The property is not currently located within the municipal limits of the City of College Park. However, the applicant has committed to annexation into the City which is anticipated to take place at the time the applicant acquires the property. The property is currently owned by the State of Maryland. The City of College Park has scheduled their work session for this application on March 1, 2011, and a public hearing will be conducted by the City on March 8, 2011.

The City Council's formal decision on the application will be presented to the Planning Board at the time of public hearing. Staff from the City of College Park has recommended approval of the application subject to 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 to construct 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 building permit approval, provide to the City of College Park \$31,000 for installation of an extra-small bike share station in the vicinity of the subject property.

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

**Comment:** 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;**

**Comment:** 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;**

**Comment:** 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.

Should the Planning Board find 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 would be required on the property. 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;**

**Comment:** 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.**

**Comment:** 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.

## **CONCLUSION:**

Based on the preceding analysis and findings, it is recommended that Departure from Parking and Loading Standards Application DPLS-354 for a waiver of 227 of the required 678 parking spaces be APPROVED subject to the following conditions;

1. 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 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.