

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DPLS-301 requesting to provide 170 parking spaces on the site, instead of 185 spaces as required per Part Eleven of the Zoning Ordinance 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 October 27, 2005, the Prince George's County Planning Board finds:

1. **Request:** The applicant proposes to provide 170 parking spaces on the site, instead of 185 spaces as required per Part Eleven of the Zoning Ordinance. Companion to this case is a proposed Detailed Site Plan revision, DSP-94036/05 to increase the enrollment of the Day Care Center and the Private School.

2. Section 27-588(b)(8) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:

(i) **The purposes of Section 27-550 will be served by the applicant's request.**

The purposes of Section 27-550 are:

- (1) **To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;**
- (2) **To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;**
- (3) **To protect the residential character of residential areas; and**
- (4) **To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

The applicant's request to allow for less parking on the site will remain in harmony with the above purposes.

With regard to the 15-space parking reduction, there is substantial information to show that the requirement for 185 spaces is unnecessary at this location.

The applicant provides the following argument in the justification statement for each of the required findings below for this departure:

"The purposes of the Parking Regulations will be served by the Applicant's request. The purposes seek among other things to provide parking and loading areas sufficient to serve the needs of the use and to protect the residential character of the area. As required by the Zoning Ordinance, the proposed increases in student enrollment for the day care center (i.e., 94 new

students) and private school (38 new students) would require an additional twelve (12) spaces for the day care and seven (7) spaces for the private school. As there is no additional room on the Property to accommodate these additional parking spaces, the Applicant is seeking a waiver of this requirement. As noted above, the Applicant's site plan shows a total of 170 parking spaces on site. Of those available spaces, 129 spaces are required for the Church. The hours of operation for the Church are Sunday 8:00 AM–9:30 AM and 11:00 AM–12:30 PM. Bible study classes are held on Tuesday–Thursday evenings from 7:00 PM–9:00 PM. During the week, the Academy is in session between the hours of 6:00 am–6:00 pm. As the Church and the Academy do not operate at the same time, the 129 parking spaces for the Church are not being utilized. Therefore, the Applicant maintains that there is more than sufficient parking available on site. In support of its assertion that adequate parking is available on site, the Applicant conducted a Parking Study for one (1) week on the Property, (Monday, May 9, 2005–Friday, May 13, 2005). Specifically, the Applicant observed the number of parking spaces being used during the peak traffic hours, 6:00 AM–9:00 AM and 3:00 PM–6:00 PM. The results of the Parking Study are attached hereto as Exhibit A. The data from the Parking Study demonstrates that on average no more than 15 vehicles are parked on site at any one of the peak hours. To that end, the Applicant is requesting the waiver for 19 parking spaces.”

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

“The departure is the minimum necessary. The Parking Regulations require twelve (12) spaces for 94 students in the day care (i.e., 1 space per 8 students) and seven (7) spaces for the private school (i.e., 1 space per six students). The site plan indicates 170 existing spaces and, as there is no additional room on the Property to accommodate additional spaces, the departure is the minimum necessary.”

(iii) The departure is necessary in order to alleviate circumstances, which are special to the subject use, given its nature at this location, or to alleviate circumstances, which are prevalent in older areas of the county, which were predominantly developed prior to November 29, 1949.

“The departure is necessary in order to alleviate circumstances, which are special to the subject use, given its nature at this location. The subject use is located over eight (8) lots, which have been assembled to facilitate the Church and its supporting ministries. Strict compliance with the parking requirements would require that the front yard be paved to accommodate additional spaces. Such a solution would impair the overall residential character of the neighborhood.”

(iv) All methods for calculating the number of spaces required have either been used or found to be impractical.

“The applicant has applied the correct method for calculating the number of spaces required. No other parking standard can be applied in this case.”

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

“Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted. As noted above, the applicant’s site plan shows 170 parking spaces on site. Of those available spaces, 129 spaces are required for the church. However, since the church does not operate during the week when the academy is in session (6:00 a.m.–6:00 p.m.), the available 129 spaces for the church use are not being utilized. In support of its assertion that adequate parking is available on site, the applicant conducted a parking study for one week on the property (Monday, May 9, 2005–Friday, May 13, 2005). Specifically, the applicant observed the number of parking spaces being used during the peak traffic hours, 6:00 a.m.–9:00 a.m. and 3:00 p.m.–6:00 p.m. The results of the parking study are attached as Exhibit A to the applicant’s statement. The data from the parking study demonstrates that on average no more than 15 vehicles are parked on site during any one of the peak hours. To that end, the applicant is requesting the waiver for 15 parking spaces.”

- (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 500 feet of the subject property.**

As noted above, a total of 170 parking spaces are available on site. Of that number, 129 spaces are not being utilized on a daily basis, given the hours of operation for the church. To that end, parking conditions within the general vicinity of the subject property will not be infringed upon.”

- (ii) The recommendations of an area master plan, or county or local revitalization plan, regarding the subject property and its general vicinity.**

“Planning Area 76B acknowledges residential development for the subject property. Since the R-80 Zone allows, by detailed site plan approval, a day care center and private school, these uses are presumed to be compatible with the recommendations of the approved plans for the area. Similarly, a church use is permitted by right in the R-R Zone.”

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

“The subject property does not lie within a municipality.”

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

“There are no public parking facilities proposed in the county CIP within the general vicinity of the property.”

Comment: Based on the preceding evaluation of the required findings for the departure from parking and loading spaces, staff believes that approval of the application is amply justified.

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 DPLS-301.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, October 27, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of November 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:SL:rmk

(Revised 8/9/01)