

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DPLS-322 for Lake Arbor Center requesting a departure of 94 parking spaces from the 332 parking spaces required for the existing shopping center 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 December 18, 2008, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is located in the northwest quadrant of the intersection of Lake Arbor Way and Campus Way North. The site is improved with two buildings. The largest building is multilevel with the lower level including service and restaurant uses and the second level, which impacts only part of the building, being devoted to office uses. The second building on-site is significantly smaller in size and is utilized as a bank. Collectively, the two buildings constitute the Lake Arbor Center, which was constructed shortly after the approval of Zoning Map Amendment Application A-9650, approving a rezoning of the site to the L-A-C Zone. The buildings are surrounded by an asphalt parking lot and landscaping. Access to the site is provided via driveways from both Lake Arbor Way and Campus Drive.
- B. **History:** Departure from Parking and Loading Standards Application DPLS-216, a departure request of 18 required parking spaces, was approved by the Planning Board in 1996.
- C. **Master Plan Recommendation:** The property is located in an area identified in the 2002 *Prince George's County Approved General Plan* as the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The application is in conformance with the land use recommendations of the 1990 *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73*, which identified the proposed development site as a neighborhood activity center. The subsequent sectional map amendment retained the site in the L-A-C Zone.
- D. **Request:** The applicant is requesting a departure of 94 parking spaces from the 332 parking spaces required for the existing shopping center. Eighteen of those spaces were previously waived by the Planning Board by the approval of DPLS-216 in 1996. The applicant's original proposal was to reflect the ongoing conversion of this center from a retail shopping center to a center primarily occupied by doctor's offices. These uses are counted as one space per 200 square feet of gross leasable area (GLA) and the effect which would be a "blanket" parking requirement to cover the center that would be based on future anticipated uses rather than the actual existing uses, as is the usual practice. In point of fact, the center no longer has the minimum three retail uses necessary to be considered an integrated shopping center (Section 27-107.01(208) of the Zoning Ordinance). Thus, the required parking should be calculated on a use-by-use basis. The restaurants in the center should be calculated based on the number of seats, the karate school and day care by the number of students, etc. The applicant sought and was granted a continuance

from the Planning Board hearing of July 10, 2008, to make these changes.

E. Neighborhood and surrounding uses:

The surrounding neighborhood consists of the Lake Arbor Community. Lake Arbor includes a mix of housing types including single-family detached dwellings, townhomes, other attached dwellings and a high rise apartment building. The nearest nonresidential uses are two schools (to the northwest and south) and a park (to the southeast).

F. Parking and Loading Regulations: Section 27.568(a)(5)(C) (Schedule of Parking Spaces) of the Zoning Ordinance requires 332 parking spaces for the mix of uses existing and proposed for the center. The applicant is providing 238 spaces, thus a departure of 94 spaces is required.

G. Referral Comments: The Permit Review Section, in a memorandum dated October 29, 2008, had the following comments:

An approved departure shall only apply to the use specified in the application per Section 27-588(b)(10)(A) of the Zoning Ordinance. Therefore if this departure is approved, it must be made clear that the number of spaces waived by this departure can be applied towards future mix of uses in the center such as general office, retail trade and service, eating and drinking establishments, institutional uses, etc. An updated parking and loading schedule will be required at time of subsequent permit applications.

Comment: The applicant understands this distinction.

H. Required Findings—Departure from Parking and Loading Standards

Section 27-588(b)(7) of the Zoning Ordinance provides that:

(A) 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 the Parking Regulations (Section 27-550) are as follows:

a. 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;

- b. 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;**
- c. To protect the residential character of residential areas; and**
- d. To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

As presented, 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 aid in relieving traffic congestion on the streets by reducing the use of public streets for parking and loading.

The applicant has submitted evidence that they are providing enough parking spaces to meet the needs of its customers. The applicant has submitted a parking analysis and needs projection utilizing counts from two days (Thursday, March 2 and Saturday, March 11, 2006). The heaviest usage occurred on Saturday, March 11 between 11 a.m. and 11:15 a.m. when peak demand reached 146 spaces of the total 238, representing a 61 percent usage. Staff would note that the traditional heaviest usage for a shopping center would be between Thanksgiving and Christmas; however, given the lack of retail businesses in the center, this is not likely to be the case at Lake Arbor.

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

The requested departure is the minimum necessary given that the center must now be evaluated on a use-by-use basis rather than the general one space per 250 square feet. The parking schedule has been correctly calculated and the actual usage has been expressed quantitatively through the applicant's parking analysis.

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

The shopping center was constructed in the 1980's in an area of the county that was not developed prior to November 1949. The shopping center is accessible by pedestrian access and by public transportation; therefore, the need for typical parking ratios is reduced. The applicant's justification is persuasive particularly

considering that the use is no longer an integrated shopping center with normal retail-related parking demands.

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

The applicant has correctly calculated the required parking. There are no other methods whereby additional parking can be created, nor would it seem to be necessary to do so.

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

Parking and loading needs of the adjacent residential areas will not be infringed upon if the departure is granted. The applicant has shown that the actual usage of this parking lot is, at most, 61 percent. The mix of uses at the center does not suggest that there would be extreme seasonal variations, as found in retail-oriented shopping centers. To our knowledge there has never been an issue with parking spilling onto the surrounding roads and residential properties.

- (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;**

The only parking in the vicinity of the center is for two nearby schools, both of which restrict their parking lots.

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

The property is located in an area identified in the 2002 General Plan as the Developing Tier and is in conformance with that vision. The application is also in conformance with the land use recommendations of the 1990 approved Largo-Lottsford master plan and adopted sectional map amendment. The master plan recommends retail commercial land use on the subject property and encourages the continued reinvestment of the older shopping centers in this area.

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

The subject property is not within a municipality.

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

There are no public parking facilities proposed in the County’s Capital Improvement Program (CIP) 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;**

The subject property is within a developed area in the County and public transportation is available and convenient. Both Metrobus and the County’s “The Bus” serve the area. There are bus routes with stops along Landover Road and Campus Way.

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

The applicant has made optimum use of the existing parking lot to provide the maximum number of parking spaces feasible. There do not appear to be any alternative design solutions that could yield additional parking spaces.

- (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 500 feet of the subject property.**

The existing uses within the center are primarily doctor’s offices (7 units), restaurants (3 units), instructional uses (karate school and day care center) and other service-oriented uses. The doctor’s offices are controlled by appointment, limiting the need for parking at any given time. The restaurants are open for lunch and dinner, with Papa John’s being open latest until 11:00 PM. The remaining uses have normal weekday and weekend hours. There are no businesses in the vicinity of the center. The nearest nonresidential uses are two schools (to the northwest and south) and a park (to the southeast).

- (iv) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10 and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will**

be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.

The subject property is in the L-A-C Zone; therefore, the above section is not applicable.

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.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, December 18, 2008 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of January 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator