

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DPLS-333 requesting a Departure from Parking and Loading Standards for 19 parking spaces in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence and based on the applicants testimony presented at the public hearing on September 25, 2008, the Prince George's County Planning Board revised the conditions of approval rendered at the end of the staff report and added the condition number two (2) in its entirety and finds:

WHEREAS, after consideration of the evidence presented at the public hearing on September 25, 2008, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The property is located on the south side of Old Alexandria Ferry Road, approximately 170 feet east of Mike Shapiro Drive. The site comprises 2.36 acres of land in the C-M (Commercial Miscellaneous) Zone. The property is currently improved with 30,480 square feet of a newly constructed one story building which is presently projected for multiuse purposes and associated parking lot. The property has approximately 230 feet of frontage and two 30-foot-wide driveway accesses on the south side of Old Alexandria Ferry Road. The property is screened and buffered from the adjacent residential community by an existing wooded area and six-foot-high board-and-board fences located along the west and south property line.

B. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	C-M	Unchanged
Use(s)	Contractor Services	Retail, Office, Medical Clinic, and Contractor Services
Acreage	2.36	Unchanged
Lots	1 and 2	Unchanged
Parcels	N/A	N/A
Square Footage/GFA	30,376	30,376
Dwelling Units:	N/A	N/A

C. **History:** The 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B* retained the existing C-M Zone for the subject property. Preliminary Plan 4-87170 was approved for the property on December 17, 1987 to subdivide a large parcel of land into four equal size lots and on September 6, 1990, a request to extend the validity period of the Preliminary Plan 4-87170 was granted. A Detailed Site Plan DSP-90077 was approved on November 29, 1990 for Old Ferry Commercial Park to address, but not limited to screening and buffering for the adjacent residential community and tree preservation. On November 13, 2003, the Prince George's County Planning Board approved a

revision of Detailed Site Plan, DSP-90077/01 for construction of a commercial building which would be used for contractor offices and shops and/or low parking generation retail on the subject property with 86 approved parking spaces.

- D. **Master Plan Recommendation:** The property is located in an area identified in the 2002 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. This application is also in the area identified as a possible future Center for Brandywine. The policy of the centers is to promote development of mixed residential and nonresidential uses with moderate to high densities and intensities in context with surrounding neighborhoods and with a strong emphasis on transit oriented design. This application is consistent with the 2002 General Plan policies for the Developing Tier. This application is in conformance with the land use recommendations of the 1993 Subregion V Master Plan and Sectional Map Amendment for commercial land use .However, particular attention needs to be paid to buffering residential land uses along the western and southern boundaries.
- E. **Request:** The applicant is requesting a departure of 19 parking spaces from the required 106 parking spaces in the Zoning Ordinance, to allow occupancy of various uses in the Old Ferry Commercial Park building. A Detailed Site Plan (DSP-90077/01) was approved on November 13, 2003 for contractor offices with 86 parking spaces specified on the plan. Currently, the applicant is proposing a dialysis center and anticipating some mixed uses within the existing 30,387-square-foot building. The proposed uses consist of: 3,738 square feet of normal generation retail, 3,592 square feet of office, 13,566 square feet of contractor services, 9,480 square feet of medical clinics (dialysis center), and an associated parking area with 87 parking spaces. The site was originally approved to be used for contractor shops, low generation retail sales, and any miscellaneous uses permitted in the C-M Zone. However, the approved Detailed Site Plan (DSP-90077/01) does not specify any other use other than contractor offices with 86 parking spaces.

Presently, the applicant has been approached by Renal Advantage Inc. (RAI), the owner and operator of the dialysis center to occupy six of the existing eighteen approved units for the dialysis center. Since the remaining twelve units within the building are vacant, the applicant had created a mix of anticipated uses that is allowed by right in the C-M Zone in order to provide a realistic picture of future parking needs. As a result, a departure of 19 parking spaces is required for the projected uses. Staff notes that because the applicant submitted a revised site plan, the amended statement of justification incorrectly references the total number of parking spaces provided and the total number of departure requested.

- F. **Surrounding Uses** (refer to the zoning map):

North— Across Old Alexandria Ferry Road, is property of United States of America, Andrews Air Force Base in the I-1 Zone.

East— State of Maryland Motor Vehicle Administration and Emission inspection station in the C-M Zone

- South— Adjacent to the site are residential single-family detached homes in the R-80 Zone.
- West— Contiguous to the site are single-family detached homes in R-80 Zone.

G. Design Requirements:

1. Number of Required Parking and Loading Spaces: **Section 27-568(a)(6)** of the Zoning Ordinance requires one parking space for every 200 square feet of gross floor area (GFA) for medical practitioners office/medical clinic. A dialysis center composes 9,480 square feet of GFA requiring a total of 48 parking spaces.

Section 27-568(a)(6) of the Zoning Ordinance also requires one parking space for every 250 square feet for the first 2,000 square feet of GFA and one space for each additional 400 square feet above the first 2,000 square feet of GFA for office space. According to the applicant's parking schedule, the site has a total of 3,592 square feet of office space which generates a total of 12 parking spaces.

Section 27-568(a)(5)(A) of the Zoning Ordinance requires one parking space for every 150 square feet of the first 3,000 square feet of GFA and one space for each additional 200 square feet of GFA above the first 3,000 for commercial retail services. The applicant is required to provide 24 parking spaces for the 3,738 square feet of proposed retail uses.

Section 27-568(a)(5)(B) of the Zoning Ordinance requires one parking space for every 500 square feet of GFA for contractor services. A total of 13,604 square feet of GFA will be devoted to contractor services. This generates a total of 22 parking spaces (computed with a 20 percent reduction for joint use, as permitted by the Zoning Ordinance, Section 27-572).

According to the previously approved Detailed Site Plan (DSP-90077/01), the subject site has 86 approved parking spaces, including four spaces for the physically handicapped. The applicant is proposing to provide one additional space for the physically handicapped at the southern end of the building and move the exterior loading space to the southwest end of the building 19 feet from its current location. Consequently, the proposed plan is subject to a revision of the previously approved detailed site plan.

Per the Zoning Ordinance, a total of 106 parking spaces are required for the various uses within the subject building. The site plan shows a total of 87 parking spaces including a proposed physically handicapped space. The plan is deficient by 19 parking spaces. Therefore, the Departure from the Parking and Loading Spaces requirements is needed.

Section 27-582(a) (Schedule of Loading Spaces) of the Zoning Ordinance requires only one loading space for retail sales and service comprising 2,000–10,000 square feet of

GFA. In this instance, the proposed 3,738-square-foot-retail use on the site requires one loading space. All other proposed uses on the site do not require any loading spaces due to the minimum required square footage.

The site plan shows a total of seven (six interior and one exterior) loading spaces. Currently, only one loading space is required to satisfy the proposed 3,738-square-foot retail use on the site. With regard to the proposed office and medical clinic uses, no loading spaces are required since the uses occupy a gross floor area of less than 10,000 square feet. The contractor services at this time also do not require any loading spaces because each of the units is less than 2,000 square feet.

2. Prince George's County Landscape Manual: The site is exempt from the *Prince George's County Landscape Manual* since no new building or outdoor parking areas are to be constructed.
3. Signs: No freestanding signs are proposed for the subject use. Any sign that will be placed on the property must meet all area, height and setback requirements.

H. **Required Findings:** Departure from Parking and Loading Standards.

1. **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:

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

The proposed parking regulations are as follows:

Section 27-550(a)(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;

Section 27-550(a)(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;

Section 27-550(a)(3)—To protect the residential character of residential areas; and

Section 27-550(a)(4)—To provide parking and loading areas which are convenient and increase the amenities in the Regional District.

The purposes of the parking regulations will be served by the applicant's request. The purposes seek to ensure sufficient parking and loading areas to serve the needs of the uses and to aid in relieving traffic congestion on the streets by reducing the use of public streets for parking and loading. The plan proposes to provide seven loading spaces which are beyond the Zoning Ordinance requirements.

The applicant has submitted evidence that adequate parking spaces are provided to meet the parking needs for the proposed use. The applicant, the Old Alexandria Ferry, LLC, submitted a parking analysis conducted by Lenhart Traffic Consulting, Inc. (LTCI), dated June 11, 2008, for the Renal Advantage, Inc. (RAI). The RAI is a dialysis center facility that provides outpatient dialysis services. The applicant's parking survey was conducted based on the comparable facilities identified at the Beltsville, Maryland location which has 20 dialysis stations and 11 staff members, and is operated from 6:00 a.m.–7:30 p.m., Monday through Friday. The applicant's parking study was performed on Monday, between the hours of 9:00 a.m.–5:00 p.m. Based on the parking demand survey; the highest number of parking spaces occupied by the dialysis patients was 13 of the existing 35 shared parking spaces on the site. The survey also noted that over 50 percent of the patients arrived and departed via non-emergency medical transportation or taxi services. Those patients that arrived by private automobile, which is less than 50 percent a large number of them, were dropped off and picked up later. Additionally, the survey noted that, most of the patients were extremely frail and unable to drive themselves to or from the treatment locations which required other methods of transportation.

The projected parking demand for the subject site is calculated based on the size, number of stations, number of staff required to run the facility, and the types of patients that will be treated at the new facility. Since the Old Ferry Commercial Park dialysis center is 61 percent larger than the Beltsville Facility, adjustment factor to the observed parking demand was considered accordingly. As a result, it is LTCI's opinion that a maximum of 21 parking spaces for the proposed dialysis center would be adequate. However, the applicant is providing 26 of the 48 parking spaces required in the Zoning Ordinance while reserving 61 parking spaces for other proposed mix uses, totaling 87 spaces for the entire development. Therefore, the applicant's proposal is sufficient to accommodate the actual demand for the dialysis center and its various uses.

Upon reviewing the information provided by the applicant, the Transportation Planning Section has indicated that there is no significant transportation issue that would arise should this request be granted. Transportation staff also conducted a field check from the standpoint of parking utilization and concurred with the applicants parking study. However, staff noted that the applicant's parking study would have been more consistent had the traffic study been observed over a period of three to four days. Nonetheless, given that a field check revealed a similar level of utilization, there seems to be no reason to believe that the subject site would function in a dissimilar fashion from a similar site elsewhere in the county. The Environmental Planning Section, the State Highway Administration, the Community Planning Section, the Historic Preservation Section, the

Urban Design Section, and the Public Facilities Planning Section have also offered no objection to the departure.

There will be no disruption to traffic flow or parking conditions on the surrounding streets resulting from the proposed use; thus, nearby residential properties are not likely to be affected by the proposed departure. For this reason, the purposes of this subsection will be served by the requested departure.

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

The departure is the minimum necessary. Due to the physical limitations of the site, the applicant cannot expand the existing parking lot. The site is bounded by existing residential development in the western and southern property lines, and established commercial development in the eastern property line. There are no other open areas on the site to provide additional parking spaces. As such, 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.

The departure is necessary in order to alleviate circumstances which are special to the subject use, given the nature and physical limitations of this site. The site is surrounded by existing commercial and single-family residential development. For that reason, the applicant could not expand the existing parking lot. Furthermore, the critical conditions of the patients and the nature of the illness prevent most of its patients from driving to the site and using the parking spaces at its maximum capacity. Since a dialysis center is not specifically listed in the parking schedule in the Zoning Ordinance, the requirements for a medical clinic are used. The applicant's parking study confirms that, while 48 parking spaces are required by the Zoning Ordinance for the dialysis center, 26 parking spaces proposed by the applicant is more than sufficient for this use and is comparable to the similar intensive special medical care uses in other jurisdictions. These special circumstances make it clear that the operational characteristics of a dialysis center are different than a medical clinic and proposed parking is adequate to serve the needs of its patients, employees, and customers.

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

All methods of calculation have been used and found impractical to further reduce the parking requirement. The applicant has applied the correct method for calculating the number of spaces required. The applicant is providing 17 compact parking spaces, 65 regular spaces, 2 van-accessible handicapped spaces, and 3 regular handicapped spaces. Staff suggested that the applicant provide the maximum allowable compact parking

spaces per Section 27-559(a) of the Zoning Ordinance to increase the total number of parking spaces on the site. This section allows up to one-third of the required number of parking spaces in any parking lot to be compact car spaces.

The applicant found the staff recommendation impractical because the site is zoned C-M and that approximately 57 percent of the site is projected to be occupied by retail and contractor services. These uses utilize large vans and pick-up trucks which would create an inconvenience in parking circulation and over crowd the parking lot. The applicant also took advantage of a 20 percent maximum reduction for the joint use of the parking lot, as permitted by the Zoning Ordinance, Section 27-572 for the uses that qualified and reduced the required number of parking spaces by seven spaces.

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

The Planning Board finds that the parking and loading needs of the residential areas will not be infringed upon if this request is granted. This center is located approximately 170 feet from Mike Shapiro Drive, a residential street. It is not likely that patrons would park on residential streets and walk to this center. Furthermore, there will be enough parking spaces on-site to accommodate all proposed uses, thus residential streets will not be impacted.

2. **Section 27-588(b)(7)(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 area within 500 feet of the subject property is characterized by industrial, commercial, and single-family residential uses. The adjoining and nearby uses have their own off-street parking and loading facilities. There is no indication of a shortage in parking and loading spaces within the general vicinity of this facility.

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

The 1993 Subregion V Approved Master Plan and Sectional Map Amendment, recommends commercial land use for the subject property. The proposed uses are consistent with the plans recommendations and will not impair the integrity of the master plan.

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

This subject property is not within a municipality. There are no comments or recommendations submitted by 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 for this area.

3. **Section 27-588(b)(7)(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 200 feet walking distance of bus stops that are located at Old Alexandria Ferry Road and Mike Shapiro Drive. The applicant does not anticipate any significant use of public transportation by their patrons.

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

While there is insufficient land area on-site to provide additional parking, staff recommends that a maximum of one-third (36) compact parking spaces be provided to yield additional parking spaces. Applicant did not find staffs recommendation viable because the nature of the proposed mix uses in the center is likely to attract contractor's offices, which utilize large vehicles and require use of larger 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 applicant has not determined the exact operating hours for the dialysis center since the use has not been established. Nonetheless, the other comparable use in Prince George's County, owned and operated by Renal Advantage, operates from 6:00 a.m.–7:30 p.m., while some operate during the same hours on Saturdays. Due to the nature and the condition of the patients at the center, the parking demands will be unchanged regardless of the hours of operations. There will be no disruption to traffic flow or parking conditions on the surrounding streets resulting from the proposed use. The proposal will not affect the nature and hours of operation of other uses within 500 feet of the subject property.

(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 C-S-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 recommends APPROVAL the above-noted application, subject to the following condition:

1. Prior to issuance of the use and occupancy permit, the previously approved Detailed Site Plan (DSP-90077/01) must be revised administratively to show the new handicapped parking space and the relocation of the loading space at the southern end of the building.
2. Zoning Note number four shall be revised to show 106 parking spaces.

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, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, September 25, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of October 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator