THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 10-38

File No. DPLS-349

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed DPLS-349 requesting a departure of 45 parking spaces from the 227 required number of parking spaces, based upon the uses located on the property 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 March 25, 2010, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The property is located at 7700 Old Branch Road in Clinton, approximately 750 square feet north of the intersection of Old Branch Avenue and Coventry Way. The site comprises 2.68 acres of land in the C-M (Miscellaneous Commercial) Zone and is located in Planning Area 81A of Subregion V. The property is currently improved with a 61,336-square-foot building. The property has two driveways with ingress and egress to Old Branch Road.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-M	C-M
Use(s)	Medical and general office	Medical and general office
Acreage	2.68	2.68
Lots	1	1
Parcels	N/A	N/A
Square Footage/GFA	61,336	61,336

C. **History:** The 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* retained the existing C-M Zone for the subject property. The property was improved in the mid-1980s as a series of business condominium buildings. At the time the project was constructed, the parking requirements were determined using a mix of medical office and general office uses. Now many of the original business office uses have converted to more service-oriented businesses including additional medical offices, salons, and boutiques. All of which generate a higher parking requirement.

D. **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. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. One of the goals of the Developing Tier section of the General Plan is to, "Reinforce planned commercial centers as community focal points." (p 37) This application is in

conformance with the land use recommendations of the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment.*

E. **Request:** The applicant is requesting a departure of 45 parking spaces from the required 227 parking spaces in the Zoning Ordinance to reflect the mix of the uses currently on the property. The site plan submitted by the applicant shows 187 current parking spaces, which is 40 less than the 227 parking space requirement per the Zoning Ordinance.

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

North— An unoccupied AMF Bowling Alley zoned C-M.

South— Commercial shopping center uses, including a grocery store, restaurants, and other commercial retail uses zoned C-S-C (Commercial Shopping Center).

East— Branch Avenue (MD 5).

West— Across Old Branch Avenue are C-M-zoned properties with restaurants.

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; one parking space for every 250 square feet of GFA for general office for the first 2,000 square feet and one parking space for every 400 square feet of GFA for general office with an occupancy over 2,000 square feet; and one parking space for retail for the first 3,000 square feet of GFA and one parking space for every 200 square feet of GFA for retail occupancy above 3,000 square feet. A minimum of 227 parking spaces are therefore required. The site plan shows a total of 187 parking spaces. Therefore, a departure from the parking and loading spaces requirements is needed. The plan is deficient by 40 parking spaces from the requirement, but the applicant has requested a departure for 45 parking spaces.

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:**

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 this Part (Section 27-550) will be served by the applicant's request;

The purposes of Section 27-550 are as follows:

(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 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 each new use established and to aid in relieving traffic congestion on the streets by reducing the use of public streets for parking and loading. The applicant proposes the departure as a means of serving the current and future tenant mix, which is becoming more heavily weighted toward retail/professional office uses and less toward medical/general office uses. The applicant requests a departure of 45 parking spaces to allow for flexibility in leasing the condominium spaces. While a parking analysis was not conducted, the applicant has provided photographic documentation that parking at the subject site is underutilized. However, multiple site visits conducted by The Maryland-National Capital Park and Planning Commission (M-NCPPC) staff noted a higher usage of parking.

M-NCPPC Transportation and Zoning staff conducted multiple field checks of the facility from the standpoint of parking utilization. Site visits by Zoning Section staff were conducted on Monday, November 2, 2009 at 11:30 a.m. and on Friday, January 14, 2010 at 1:30 p.m. during which time staff noted a higher level of usage at each visit. Transportation Section staff noted the following as part of their evaluation of the site:

- The 2007 aerials on PGAtlas indicate that 53 of 187 parking spaces are vacant, a utilization of 72 percent. This is strictly a random observation; the date and time of the photograph is not known.

- Transportation Section staff conducted field checks of the site on Thursday, October 1, 2009. An initial observation was made at 10:50 a.m. and a second observation was made at 11:40 a.m. At 10:50 a.m., 28 parking spaces were vacant, two spaces were occupied by a dumpster, and two vehicles were illegally parked. At 11:40 a.m., 18 spaces were vacant, three vehicles (including a school bus) were illegally parked, and the dumpster was still there. Given the number of parking spaces available and the number of vehicles parked on the site, there was 86 percent utilization at 10:50 a.m. and 92 percent utilization at 11:40 a.m.

- Transportation Section staff conducted additional field checks of the site on Thursday, February 4, 2010. Separate observations were made at 12:00 noon and 1:00 p.m. At 12:00 noon, 47 parking spaces were vacant, two spaces were occupied by a dumpster, and two vehicles were illegally parked. At 1:00 p.m., 57 spaces were vacant, no vehicles were illegally parked, and the dumpster was still there. Given the number of parking spaces available and the number of vehicles parked on the site, there was 75 percent utilization at 12:00 noon and 70 percent utilization at 1:00 p.m.

Based on photographic evidence submitted by the applicant, the Planning Board found that adequate parking spaces are provided to meet the parking needs for the proposed uses. Testimony, from both the applicant and the condominium association members, confirmed that the justification statement that actual usage of the parking spaces on the property is less than what is currently provided on the property.

While there are no residential areas proximal to the subject site, the site is adjacent to commercial properties to the north and south, each of which has sufficient and well-utilized parking.

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

The departure is the minimum necessary. As stated previously, 227 parking spaces are required to meet the parking generation of the current occupancy of the 61 condominium units at the subject site. The site is only provided with 187 existing parking spaces, 160 of which are in the surface lot and 27 of which are in the underground garage; this leaves a deficit of 40 spaces. In the interest of administrative efficiency, however, the applicant has requested a Departure of 45 spaces to accommodate the possibility of minor changes in the tenant mix occupying the 61 condominium units without having to return to the Planning Board for approval of a new Departure.

(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 Planning Board concluded that the departure is necessary in order to alleviate circumstances which are special to the subject use. The applicant cites three major factors as to why the departure for 45 parking spaces is necessary: (1) most of the medical offices on the property are used as satellite offices for general office purposes; (2) small office condominiums use fewer parking spaces than standard office buildings; and (3) patrons of the businesses located on the subject property use alternative modes of transportation, such as public transportation, all of which lends itself to the approval of the requested departure. The Zoning Ordinance has established a minimum number of parking spaces required based upon the type of use on the property. Section 27-568(a)(6) of the Zoning Ordinance requires:

Type of use	**Number of spaces**	**Unit of Measurement (in square feet)**
Medical Office	1	200
General Office	1	250 for first 2,000
	1	400 over 2,000
Retail	1	First 3,000
	1	200 over 3,000

A departure from parking and loading standards, generally, is a means to provide relief from the strict application of the Zoning Ordinance when a property has unique characteristics that make compliance with the standard impractical at that particular location. The Planning Board determined that the types of medical condominium offices, each office being 850 square feet, individual units, are special to the use, given its nature at this location.

Due to the nature and physical limitations of this site, which is surrounded by existing commercial development, the departure is necessary in order to alleviate circumstances which are special to the subject use.

(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

All methods of calculation have been fully applied to this application and found to be impractical. The site plan correctly notes that 227 parking spaces are required. The applicant is able to provide 187 parking spaces.

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

The applicant submits 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 750 feet from Coventry Lane, the nearest residential street. It is not likely that a client would park on residential streets and walk to this site.

(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;

The area within 500 feet of the subject property is characterized by commercial 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 commercial land use associated with this application is consistent with the commercial land use recommendations of the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment.* The proposed uses are consistent with the plan 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; and

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.

(C) In making its findings, the Planning Board may give consideration to the following:

(i) Public transportation available in the area;

The justification statement indicates that "there are a variety of public transportation options for accessing the property." The Metrobus C-13 and Prince George's County's The Bus, Route 32 both service the subject property.

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

The Planning Board found that there were no alternative design solutions to off-street facilities which might yield additional 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 five hundred (500) feet of the subject property;**

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 uses.

(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 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 Cavitt, with Commissioners Clark, Cavitt, Squire and Vaughns voting in favor of the motion, and with Chairman Parker absent at its regular meeting held on Thursday, March 25, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of May 2010.

Patricia Colihan Barney
Executive Director

Frances J. Guertin

By Frances J. Guertin
Planning Board Administrator

PCB:FJG:IT:gdr:wrc

APPROVED AS TO LEGAL SUFFICIENCY.

Janell J. Jordan
M-NCPPC Legal Department

Date 4/29/10