THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
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PGCPB No. 15-69 File No. DPLS-419

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Departure from Parking and Loading Standards DPLS-419 requesting a departure from parking and loading standards for a waiver of 11 parking spaces from the 39 spaces required 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 July 9, 2015, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is a trapezoid-shaped combination of one lot (Lot 23, Block 2, Section One of "Gordons Corner") and a narrow parcel (the residue of an abandoned alley) on the east side of St. Barnabas Road (MD 414), approximately 1,000 feet south of its intersection with Branch Avenue (MD 5). The 0.44-acre parcel is zoned Commercial Shopping Center (C-S-C) and is improved with an existing 10,132-square-foot medical office building. The property has direct vehicular access via a driveway cut onto MD 414. Although the site was developed 50 years ago prior to many of today's standards, it is well maintained and nicely landscaped.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s):	C-S-C	C-S-C
Use(s):	Medical Office Building	Medical Office Building
Acreage:	0.44	0.44
Lots:	1	1
Parcels:	1	1
Square Footage/GFA:	10,132	10,132

C. **History:** The subject property was developed with a medical office building as a permitted use in 1965. Parking for the use has always included 13 parking spaces on the adjoining lot (Lot 24), which was in common ownership. Lot 24 was sold in 2008 to a new owner without any reservation, and negotiations to regain the right to use the spaces have been unsuccessful.

D. **Master Plan Recommendation:** The *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) was approved May 2014, and defers to the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (Central Branch Avenue Corridor Sector Plan) for specific land use recommendations at this location. The sector plan recommends commercial–neighborhood uses for the subject property. The site was retained in the C-S-C Zone by the sector plan. The site design is consistent with the recommendation of the sector plan regarding parking by having the majority of the parking to the rear of the building.

E. **Request:** The applicant is requesting a departure from parking and loading standards from Section 27-582(a) of the Prince George's County Zoning Ordinance for 11 of the required 39 off-street parking spaces to serve a medical office building.

F. **Neighborhood and Surrounding Uses:** The subject property, 4302 St. Barnabas Road, is located in the Gordons Corner/Marlow Heights neighborhood. The neighborhood is characterized by strip-commercial uses along both sides of St. Barnabas Road (MD 414), including the large Marlow Heights Shopping Center at the intersection of MD 414 and Branch Avenue (MD 5). To the rear of these commercial strips are single-family detached residences. The uses immediately surrounding the proposed special exception are as follows:

North— A fortune teller in the C-S-C Zone.

East— Single-family detached residences in the (Rural Residential (R-R) Zone.

West— Across St Barnabas Road is a strip-commercial center with both retail and office uses in the C-S-C Zone.

South— Strip commercial uses including a former barber shop/salon and carryout restaurant in the C-S-C Zone.

G. **Parking and Loading Regulations:** Based on the net leasable area of the building (7,650 square feet), a total of 39 parking spaces and one loading space are required to serve the property. The proposed site plan shows 28 parking spaces and one loading space. The applicant has requested a departure for the 11 required parking spaces not provided.

H. **2010 Prince George's County Landscape Manual Requirements:** The application is exempt from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because they are not adding or modifying any of the existing development on the site.

I. **Zone Standards:** The applicant's proposal appears to be in compliance with the requirements of the C-S-C Zone.

J. **Signage:** The applicant is not proposing any new signage, however, there is an existing freestanding sign advertising one of the tenants in the building. The site plan shows this sign to be located within the existing right-of-way of St. Barnabas Road (MD 414). Unless the applicant can provide proof that this sign was legally erected, it must be removed.

K. **Required findings for Departures from Parking and Loading Standards:** The applicant has requested a departure from Section 27-568 of the Zoning Ordinance, which requires the provision of 39 off-street parking spaces for the subject use. The applicant is providing 28 spaces; therefore, a departure of 11 spaces is sought.

Section 27-588. Departures from the number of parking and loading spaces required.

(b)(7) Required Findings.

(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;

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 purposes of the parking and loading regulations will be served by the applicant's request. The applicant seeks to ensure sufficient parking and loading to serve the needs of the patrons of this long-existing medical building, which has been at this location for the past 50 years. The building is fully leased. As evidence that the 28 spaces are adequate, the applicant has submitted a parking demand study which shows that the maximum parking demand for the site was 22 vehicles over a three day period. In addition, a review of ten aerial photographs of the site covering the time period from 1977 to 2015. The photos show a minimum of six spaces occupied and a maximum of 25, with a mean average of 16 spaces being occupied. This suggests that the parking provided will be adequate to serve the parking needs of persons associated with the use.

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

Comment: The departure is the minimum necessary. The building contains a single use (medical offices) for which the applicant cannot apply any of the allowed reductions for shared use of spaces. There is no additional area to use for parking.

(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 in order to alleviate circumstances which are special to the subject use, given its nature at this location. The site was developed in the 1960s and had the use of parking spaces on the adjoining property to the south. Once the property to the south was sold, the applicant lost the ability to use those 13 spaces. However, many years of experience indicate that the resulting 28 parking spaces will be sufficient to meet the parking needs of patients. The purposes of the Parking and Loading Regulations will be served by the request.

(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: All methods of calculation have been fully applied to this site. The applicant has applied the correct method for calculating the number of parking spaces required. The applicant is not permitted to use the 20 percent reduction for shared use because there is a single use at the site and medical office uses are specifically prohibited from using the reduction. Negotiations to allow for the continued use of the spaces on the adjoining property were unsuccessful.

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

Comment: The applicant submits that the parking and loading needs of the residential areas will not be infringed upon if this request is granted. The nearest residentially-zoned properties are to the rear (east) of the site along Townsley Avenue. They are developed with single-family residences, each of which has at least a two-car driveway. It is unlikely that cars visiting the subject property would park in the residential neighborhood.

(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: There is no indication of a shortage of parking within the general vicinity of this facility. The area within 500 feet of the subject property is characterized by commercial, office, and residential development. All such uses have adequate parking.

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

Comment: The proposed use is consistent with the plan recommendations and will not impair the integrity of the master plan. The sector plan recommends a commercial-neighborhood use for the site with a design guideline recommending parking be to the rear of buildings. The applicant's proposal conforms to both of these recommendations.

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

Comment: The subject property is not located within a municipality.

(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 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;

Comment: Public transportation is available at this location. There is a Metrobus stop directly across St. Barnabas Road (MD 414) from the subject property.

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

Comment: The office building was built in the 1960s under previous parking regulations regarding size of spaces and width of drive aisles, which the applicant wishes to continue, since doing so results in the greatest number of spaces. Thus, the use of compact spaces is not available to the applicant. There are no other alternative design solutions which would result in 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;

Comment: The medical offices are open during regular business hours. The proposed development is within 500 feet of residential and retail uses. The medical offices have existed since the mid-1960s and are compatible with the nature and operation of other uses in the area.

(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 subject property is located in the C-S-C Zone and, therefore, is not subject to this provision.

L. **Subdivision**—Pursuant to Section 24-111(c)(3) of the Subdivision Regulations, the site is exempt from the requirement of filing a preliminary plan of subdivision since the development is on a recorded lot and the applicant is not proposing any additional square footage.

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 APPROVE the above-noted application, subject to the following condition:

1. Prior to certification of the site plan, the applicant shall either provide proof that the freestanding sign within the right-of-way was legally erected or remove the sign.

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 Shoaff, seconded by Commissioner Washington, with Commissioners Shoaff, Washington, Bailey, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 9, 2015 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of July, 2015.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:TL:rpg

APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC Legal Department
Date 7/15/15