

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Departure from Design Standards Application No. DDS-583 requesting a departure for one additional compact parking space over the eight allowed for the subject 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 October 30, 2008, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject site is located in the northeast quadrant of the intersection of Edmonston Road and Chesapeake Road in Edmonston. The site, also known as 4815 Edmonston Road, is currently improved with a two-story, 5,600-square-foot brick structure, parking lot and shed. Access to the site is via a single two-way driveway from Chesapeake Road. A three to four-foot-high chain-link fence surrounds the property along the north, south and west property lines. The existing/proposed fence height and materials should be identified on the site plan in addition to the landscape plan.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-O	C-O
Use(s)	Office	Church
Acreage	0.33	0.33
Parcels	1	1
Square Footage/GFA	5,600	5,600

- C. **History:** The structure was originally constructed in 1980 as an office building. Variance Appeal No. 5392 was granted by the Board of Appeals in 1979 for a variance of two feet from the ten-foot landscape yard requirement along Chesapeake Avenue, and for three feet from the ten-foot landscape yard adjoining the parking lot along Edmonston Road. Site plan note 17 incorrectly states that variances were granted to waive the ten-foot landscape strip along Edmonston Road and the eight-foot landscape strip along Chesapeake Road. It further states that parking was approved up to the rear property line and that a six-foot-high stockade fence was approved along the rear property line. This note must be removed from the plan. In addition, notes 13 and 18, which correctly state the approved variances, are duplicates; therefore, note 18 should be removed and replaced with a note that states: "No more than 96 congregants, including children, shall occupy the building at one time." The building has been used as a church by the current owner since February 2000.
- D. **Master Plan Recommendation:** The 1994 Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69) recommends public/quasi-public land use. The 1994 sectional map amendment (SMA) retained the C-O Zone

for this site. The site had been rezoned in 1950 from the R-55 to the C-1 Zone. In 1982, the property was rezoned from the C-1 to the C-O Zone in the SMA. The applicant's statement of justification incorrectly states that the master plan area for the subject property is "The Heights."

2002 General Plan: The subject site is located in the Developed Tier where the vision is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium-to high-density neighborhoods.

- E. **Request:** The applicant seeks a waiver to allow nine compact parking spaces (8 feet by 16.5 feet), which exceeds the Zoning Ordinance limitation of compact spaces to one-third of the total number of spaces required. Only eight compact spaces are permitted; the departure would allow one additional compact space. The applicant also requests alternative compliance (AC-08025) from Sections 4.2 (Commercial and Industrial Landscape Strip) and 4.7 (Buffering Incompatible Uses) of the Prince George's County Landscape Manual. Alternative compliance is requested from Section 4.2 to validate an existing sidewalk within a required landscape strip along Chesapeake Road; alternative compliance is requested from Section 4.7 to provide a planted bufferyard along the eastern and southern property lines which abut residential uses.

F. **Surrounding Uses:**

North: Vacant lot and further north, the Salvation Army in the R-R Zone

South: Across Chesapeake Road, a restaurant in the C-A Zone

East: Single-family dwelling in the R-55 Zone

West: Across Edmonston Road, single-family detached homes in the R-55 Zone

The neighborhood is characterized by modest single-family detached homes with sporadic commercial uses along Edmonston Road.

- G. **Departure from Design Standards (DDS 583):** The applicant requests a waiver from Section 27-559 of the Zoning Ordinance which provides that up to one-third of the required number of parking spaces in any parking lot may be compact car spaces. The applicant had initially requested a departure to allow all of the parking spaces proposed, excluding handicap parking, to be compact. The applicant's statement of justification states that a total of 17 parking spaces are provided. However, the applicant has since amended the site plan to show a total of only 16 parking spaces including nine compact parking spaces. The Zoning Ordinance permits the applicant to have no more than eight compact parking spaces; a total of 24 parking spaces are required for the church use. If the departure is approved, a total of 16 parking spaces will be provided. The deficiency in the number of parking spaces is addressed in DPLS-325.

Required Findings:

Section 27-587: This section authorizes the Planning Board to grant departures from parking design standards, under procedures and requirements in Part 3, Division 5, of the Zoning Ordinance. Section 27-239.01(b)(7)(A) of the Zoning Ordinance provides that in order for the Planning Board to grant a departure from [parking] design standards, it shall make the following findings:

- (i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

The applicant has responded to the required findings on pages 16–18 of the statement of justification. The applicant concludes that the parking space standards in the Zoning Ordinance are outdated since later model vehicles are smaller in width and length than they were when the standards were created, and as such, “the larger requirement serves little or no purpose and the request [sic] departure serves the requirements of Section 27-559 equally well.”

The purposes of the parking standards are contained in Section 27-550(a):

- 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.**

The Board does not concur that the dimensions for a standard parking space are “outdated”; nevertheless, the amended proposal showing a row of nine compact parking spaces in addition to a row of six standard spaces and one van accessible handicap space meets the purposes of the Zoning Ordinance. The applicant has maximized the potential of the parking lot to accommodate as many vehicles as possible without creating greater congestion on the street or an inconvenience to the congregants.

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

The applicant is requesting a waiver for one additional compact space beyond what the Zoning Ordinance normally allows. The church has also applied for a Departure from Parking and Loading Standards to address a deficiency of 8 parking spaces from the 24 required. Without the additional compact space, the deficiency increases to nine parking spaces. Because the additional compact space will help alleviate the need for on-street parking, and because there is no other

means by which to create an additional parking space on this site, the departure is the minimum necessary.

- (iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;

The departure is necessary in order maximize the number of parking spaces that the site can accommodate. The site is already developed to its maximum potential and the applicant has exhausted all other methods for increasing the amount of parking provided. If the departure were denied, it would result in a net loss of one parking space (resulting in a total of 15 parking spaces) as there is not sufficient area on site to accommodate an additional standard size parking space. The loss of one parking space would increase the need for on-street parking. As previously noted, the Zoning Ordinance requires 24 parking spaces for the church use, yet the church is only able to provide a total of 16 parking spaces. The departure is required to help alleviate the existing deficiency; therefore, the departure is necessary to alleviate circumstances which are unique to the site.

- (iv) The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.

The departure will not impair the visual, functional or environmental quality of the site or neighborhood. The combination of standard and compact parking spaces will allow a maximum number of vehicles the ability to park without impairing the site's functionality or creating a negative impact to the neighborhood. The applicant is also providing landscaping in accordance with the Landscape Manual and a proposal for alternative compliance. The request for alternative compliance is discussed in greater detail in Section I of this report.

- H. Referral Comments: The Transportation Planning Section, in its August 2008 memo, did not identify any significant transportation issues that might arise should the requested departure be granted. They did, however, recommend that church parking be permitted only on one side of Chesapeake Road. Because Chesapeake Road is maintained by the County, this recommendation would be subject to approval by the Department of Public Works and Transportation.

I. **Alternative Compliance (AC-08025):**

Section 27-564—Landscaping, screening and buffering:

Although there is no additional square footage proposed beyond what currently exists on the site, landscaping requirements shown on the approved permit plans for the previous office use on the subject property were never implemented. For this reason, the site is subject to the provisions of the Prince George's County Landscape Manual.

The proposed development is subject to Sections 4.2 (Commercial Landscape Strip Requirements), 4.3 (Parking Lot Requirements) and 4.7 (Buffering Incompatible Uses) of the Landscape Manual. The applicant has met Landscape Manual requirements for Sections 4.2 and

4.3(a) along the northern and eastern property lines, adjacent to Edmonston Road and Chesapeake Avenue.

The applicant is requesting alternative compliance pursuant to Section 4.2 to validate an existing four-foot wide sidewalk in a required landscape strip along Chesapeake Road. The applicant is also requesting alternative compliance from Section 4.7 along the southern and eastern property lines where the subject site abuts single-family homes.

The Alternative Compliance Committee recommended approval of the applicant's request, based on the following findings:

“The application does not meet the strict requirements of Section 4.7, Buffering Incompatible Uses, along the southern and eastern property line that is adjacent to single-family residential dwelling. Due to the narrowness of the site, and its existing condition that predates the Prince George's Landscape Manual, it is impractical for the applicant to meet the Prince George's Landscape Manual bufferyard requirements for a church adjacent to single-family dwellings. Along the eastern property line, the applicant is proposing to provide an eight-foot-wide landscape strip with 106 plant units and a six-foot-high vinyl fence along the entire length. Because of the lack of space along the eastern property line, the application proposes an additional 23 plant units along the Edmonston Road frontage. The total number of proposed plant units is 45% in excess of what is required by the Prince George's Landscape Manual. On the south side of the property line, the applicant is proposing to provide a 12-foot-wide landscape yard with a six-foot-high vinyl fence, including 81 plant units. The total number of proposed plant units is 35% in excess of what is required by the Prince George's Landscape Manual. Since the total number of plant units proposed by the applicant in excess to the amount which is required by the Prince George's Landscape Manual, the Alternative Compliance Committee finds this alternative to be equal or better than normal compliance of the Prince George's Landscape Manual.

“RECOMMENDATION:

The Alternative Compliance Committee recommends Approval of Alternative Compliance AC-08025 pursuant to Section 4.7 of the Prince George's County Landscape Manual for the reduction in building setback and the landscape yard along the southern and eastern property lines, and includes the validation of the four-foot-wide existing concrete sidewalk located within the landscaping strip along Chesapeake Road.”

CONCLUSION:

The request to allow a total of nine compact parking spaces, which is just one more than what is allowed by the Zoning Ordinance to serve the church, is justified. The request is minimal, but will allow the applicant to provide an additional parking space where a standard size space could not be accommodated.

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 recommended APPROVAL of the above-noted application, and further approved Alternative Compliance No. AC-08025 subject to the following conditions:

1. Prior to certificate approval, the site plan shall be revised as follows:
 - a. Delete note 17 which incorrectly refers to the variances approved in 1979.
 - b. Delete note 18 which is a duplicate of note 13.
 - c. No more than 96 congregants, including children, shall occupy the building at one time.
 - d. The existing/proposed fence height and materials shall be identified on the site plan in addition to the landscape plan.
2. Church parking shall be permitted only on the north side of Chesapeake Road, subject to approval by the Department of Public Works and Transportation.

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.

* * * * *

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 and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, October 30, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of November 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

PGCPB No. 08-163
File No. DDS-583/AC-08025
Page 7

OSR:FJG:CF:bjs