

Prince George's County Departure from Parking and Loading Standards Application No. 255

Applicant: Samuel W. Carson, Pastor, Owner

Location: Northwest side of Eastern Avenue, approximately 1,500 feet from its intersection with Riggs Road.

Request: Departure from Parking and Loading Spaces

R E S O L U T I O N

WHEREAS, the applicant is requesting waiver of the 100 required parking spaces and one loading space;

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with the adopted Rules of Procedure of the Prince George's County Planning Board; and

WHEREAS, the Technical Staff Report released May 25, 2000, recommends DENIAL; and

WHEREAS, the applicant amended the parking schedule at the Planning Board hearing by reducing the total number of seats in the church=s sanctuary from 600 to 400. The applicant also amended the application by including a request for a departure from the loading space requirement of Section 27-582.

WHEREAS, on June 1, 2000, having considered the recommendation in the staff report and heard testimony from the staff and applicant, the Prince George=s County Planning Board agreed with staff analysis and recommendation and adopted the same as its own.

WHEREAS, the Prince George's County Planning Board decision is based on the findings and conclusions found in the Technical Staff Report and the following DETERMINATIONS:

- A. Location and Field Inspection: The site is located on the northeast side of Eastern Avenue, approximately 1,500 feet southeast from its intersection with Riggs Road. The site is triangularly-shaped, comprises approximately .68 acre of land and is improved with an existing church building. Concrete walkways connect the front entrance via terraced steps to Eastern Avenue and to the rear entrance and Riggs Plaza parking lot. A six-foot-high, chain-link fence extends along the northwest boundary and across to the building=s rear entrance. The site has approximately 433 feet of frontage on Eastern Avenue.
- B. History: The property was retained in the R-55 Zone in the approved 1990 Sectional Map Amendment for Langley Park-College Park and Greenbelt. The District Council approved SE-1814 for a day care center for the property in 1968.
- C. Master Plan Recommendation: The 1989 Approved Master Plan for Langley Park-College Park and Greenbelt recommends the property for public or quasi-public use.

- D. Request: The site area is less than one acre and therefore requires a special exception. The applicant, Shiloh Church of God Seventh Day, also proposes to construct a 15,269-square-foot addition to the existing 6,100-square-foot church building. The applicant's site plan does not provide for the required parking and loading spaces for the proposed use. A departure of 100 parking spaces and one loading space is requested (DPLS-255). In addition, the applicant is requesting a variance (VSE-4360) from the required 25-foot building setback.
- E. Neighborhood and Surrounding Uses: The neighborhood is generally defined by Chillum Road to the northeast, Riggs Road (MD 212) to the northwest, Sargent Road (MD 211) to the southeast and Eastern Avenue to the west and southwest. The immediate neighborhood is predominantly residential in the R-55, R-80 and R-T Zones with some commercial uses along Riggs Road and Eastern Avenue. The subject property is surrounded by single-family, attached dwellings to the northeast and east in the R-T Zone and the Riggs Plaza Shopping Center to the north and northwest in the C-S-C Zone. To the west and southwest, across Eastern Avenue and within the District of Columbia, there are single-family, attached dwellings.
- F. Design Requirements:
1. Number of Required Parking and Loading Spaces: **Section 27-568 of the Zoning Ordinance requires one parking space for every four seats in the main auditorium of a church, plus one space for every four seats in other rooms occupied at the same time as the main auditorium.**

According with the applicant amended parking statement, with the proposed addition, the church will have 400 seats and therefore, the site requires 100 parking spaces. A departure of 100 parking spaces is requested.

Section 27-582 of the Zoning Ordinance requires one loading space for every 10,000 to 100,000 square feet of gross floor area (G.F.A)

One loading space is required for the proposed Church that comprises A total GFA of 21,369 square feet. A departure of one loading space is requested.
 2. Landscape Manual Requirements: The proposal is subject to the landscaping, buffering and screening requirements of the *Landscape Manual* through the approval of a landscape plan.

The applicant's revised landscape plan that is submitted May 3, 2000 meets the requirements of the *Landscape Manual*.
- G. Required Findings - Departure from Parking and Loading Standards (DPLS-255):
- (A) **Section 27-588(b)(8) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:**

1. **The purposes of Section 27-550 will be served by the applicant=s request.**

The purposes of the Parking Regulations are as follows:

- a. **The off-street and on-street parking areas are sufficient to serve the parking and loading needs of all persons associated with the building and use.**
 - 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.**
 - d. **To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**
2. **The departure is the minimum necessary, given the specific circumstances of the request.**
 3. **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.**
 4. **All methods for calculating the number of spaces required have either been used or found to be impractical.**
 5. **Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

The applicant=s statement of justification indicates that all of the required parking spaces for the church use will be provided on the adjoining property that is developed with the Riggs Plaza Shopping Center. The statement also indicated that the church has used the shopping center=s parking lot for over 30 years. Moreover, a departure from parking and loading standards (DPLS-155) for 35 spaces was granted by the Planning Board in 1993 based upon this arrangement. At the time of the 1993 DPLS approval, the owner of the shopping center had given written permission for the use of the parking lot by the church. In the letter, the owner also reserved the right to revoke permission for the church=s use of the parking lot in the event an expansion of the shopping center occurred. Similarly, in support of the current application, the applicant has submitted a signed letter from the Riggs Plaza manager that gives permission to the church members to park up to 125 vehicles in the shopping center parking lot. However,

there is no binding agreement or legal document that guarantees the continuation of the current parking arrangement on a long-term basis. The lack of such legally binding document is a concern since there is nothing to prevent the shopping center from disallowing the continuing use of its parking spaces at any time. The termination of the shopping center=s non-binding permission would result in a spill over of 100 parking spaces infringing upon the adjacent residential areas. Absence of a legal agreement to guarantee the long-term availability of the shopping center=s parking lot, it will not be possible to make a finding that the purposes of Section 27-550 will be served by the applicant=s request.

Given the size of the proposed development, the departure is the minimum necessary. There is not enough space left on the site to accommodate the parking requirement of the church. There is no other possible way to further reduce the parking requirement.

(B) In making its findings, the Planning Board shall give consideration to the following:

- 1. 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.**
- 2. The recommendations of an area master plan, or County or local revitalization plan, regarding the subject property and its general vicinity.**
- 3. The recommendations of a municipality (within which the property lies) regarding the departure.**
- 4. Public parking facilities which are proposed in the County=s Capital Improvement Program within the general vicinity of the property.**

The applicant=s parking statement indicates that the Riggs Plaza Shopping Center, which is the adjoining property, has a total of 676 parking spaces. The applicant identified 270 of the spaces to be in excess of the minimum requirement for the shopping center use. As noted, the applicant proposes to provide all of the required parking spaces for the church on the shopping center=s parking lot using the excess parking spaces.

In addition, the master plan recommends public or quasi-public use. The subject property is not within the boundaries of a municipality. There are no public parking facilities proposed in the County=s Capital Improvement Program within the general vicinity of the property.

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

- 1. Public transportation available in the area.**

2. **Any alternative design solutions to off-street facilities which might yield additional spaces.**
3. **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.**

Although there is public transportation in the vicinity of the subject property, the applicant does not anticipate any significant use of public transportation facilities by its members. With respect to alternative design solutions, the applicant contends that the arrangement with the shopping center has worked well for over 30 years and makes good planing sense based upon the excess parking spaces available.

The peak hours of the church use are Saturday on which services start at approximately 10:00 a.m. Evening prayer services are held on Wednesdays and Fridays at 7:30 p.m. Approximately 15-20 people attend the evening prayer services.

- H. The Board finds that although the proposed alternative parking accommodation may satisfy the church=s current parking needs, it does not guarantee a lasting solution to the potential problem that could result from the sudden loss of these parking accommodations. The applicant has failed to provide evidence that would guarantee a permanency or a long-term availability of the shopping center=s parking lot for the church=s use. Revocation of the shopping center=s permission to use its parking lot would mean an infringement upon the immediate area (with a demand for 100 parking spaces), potentially conflicting with health, safety and welfare considerations.

NOW, THEREFORE, BE IT RESOLVED, that Departure from Parking and Loading Spaces 255 is hereby DENIED.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council of Prince George=s County within thirty (30) days following 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 McNeill, seconded by Commissioner Boone, with Commissioners McNeill and Boone voting in favor of the motion, with Commissioner Hewlett voting against, and with Commissioner Brown absent at its regular meeting held on Thursday, June 1, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of June 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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