

Prince George's County Departure from Parking and Loading Spaces No. DPLS-268

Applicant: Bill Spence

Location: The subject property is located on the north side of Woodyard Road, approximately 980 feet east of Dower House Road.

Request: Departure from Parking and Loading Standards

R E S O L U T I O N

WHEREAS, the applicant is requesting a Departure from Parking and Loading Standards for 101 of the required parking spaces; and

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 9, 2001, recommends APPROVAL; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on May 17, 2001, the Prince George's County Planning Board agreed with the staff recommendation; and

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:

1. Revision to the Detailed Site Plan SP-82034/05 was submitted in accordance with the requirements of Section 27-443, Private Schools, of the Zoning Ordinance that requires a Detailed Site Plan for all private schools. A concurrent application for Departure from Parking and Loading Standards DPLS 268 was submitted for a Departure from the requirements of Section 27-568, Schedule of Spaces Required, of the Zoning Ordinance regarding number of parking spaces required. This item was continued from the January 25, 2001 Planning Board meeting to give the applicant additional time to file a Preliminary Plat application. The applicant has now filed a Preliminary Plat application. The Preliminary Plat was approved by the Planning Director on February 26, 2001.
2. Section 27-568 Parking Requirements, and Section 27-582 Loading Requirements, of the Zoning Ordinance require the following:

REQUIRED PARKING SPACES		EXISTING AND PROVIDED
For 670 students below 10 th grade	1 for 6 students (112)	112
for 41 students above 10 th grade	1 for 3 students (14)	14
Existing church with 605 seats 1 space per 4 seats	152	54
Total parking spaces required	278	177
REQUIRED LOADING SPACES		PROPOSED
One for institutions exceeding 10,000 sq.ft. and below 100,000 sq.ft.	1	1

The applicant has applied for a Departure from Parking and Loading Standards for 101 of the required parking spaces.

3. Section 27-570, Multiple Uses, of the Zoning Ordinance states that where two (2) or more uses are located in the same building or same lot, the total number of spaces for each use shall be provided. Therefore, according to these regulations, the total number of parking spaces required by the church and the school must be provided even though the school operates only on weekdays and the church operates only on weekends.

The proposed parking is deficient according to the Parking and Loading requirements of the Zoning Ordinance. The parking was deficient when the Revision to the Detailed Site Plan SP-82034/03 was approved by the Planning Board in 1996. According to the current regulations, a Departure from Parking and Loading Standards was required for the deficient parking at that time. However, the existing parking spaces were Agrandfathered @ based on a 1993 written interpretation by the Chief of the Information and Permit Review Division. The interpretation (attached) clarified and reinterpreted the provisions of Section 27-584 regarding parking lots and loading areas serving uses that preexisted current requirements. Previously, permits were issued for private schools in connection with churches without requiring parking or loading facilities for the schools. A permit for the existing school was issued without requiring parking or loading facilities for the school. Later, the District Council determined that when two or more uses occupy the same land, the parking required for each use must be provided. This created a deficiency in the required number of parking spaces on the subject site and, therefore, the existing parking spaces were Agrandfathered.@ The rationale for the Agrandfathering@ was that

no public purpose would be served by requiring these schools to obtain Departures. At present, since the applicant is proposing an increase in enrollment and the proposed parking is deficient, an application for a Departure from Parking and Loading Standards is required.

4. Section 27-588, Required Findings, of the Zoning Ordinance states that:

In order for the Planning Board to grant the Departure, it shall make the following findings:

The purposes of this Part (Section 27-550) will be served by the applicant=s request;

The applicant is seeking a waiver of 101 parking spaces from the requirements of the Zoning Ordinance to accommodate the uses on the property. There are two uses on the site (church and school). The private school is used on weekdays only and the church is used on weekends only. As a result of the differing hours of operation for each use on the site, more than adequate parking exists to service each use as it is operated. Therefore, if a waiver of 101 parking spaces is granted, there will still be more than adequate parking spaces available on the property to service the uses thereon.

The following purposes of this section will be served by the applicant=s request:

- (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 that are convenient and increase the amenities in the Regional District.

The proposed parking spaces will be adequate to serve the parking needs of the uses on the property. All parking provided will be convenient to its intended users and granting of the Departure will have no effect on surrounding residential properties and will not impact the existing or proposed amenities in the Regional District.

The Departure is the minimum necessary given the specific circumstances of the request;

The church and the private school do not operate at the same time. This request is the minimum necessary because even if the Departure is granted, sufficient parking will be available for each use on the property at any given time. The maximum use of the church is on weekends and the use of the school is on weekdays. The total number of parking spaces required for the existing and proposed school is 126. The total number of parking spaces required for the church is 152. The total number of parking spaces provided is

177. Therefore, at a given time, the required number of parking spaces for each use is available.

The Departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or to alleviate circumstances which are prevalent in older areas of the county which were predominantly developed prior to November 29, 1949;

The applicant has operated its uses on the property for over a decade without a negative impact on the surrounding neighborhood. The existing parking spaces were previously grandfathered@ because at that time permits granted for schools in conjunction with churches did not require separate parking to be provided for the school use. Therefore, the Aspecial@ circumstances were created by the previous grandfathering of the deficient parking. Although the proposed parking is technically deficient, it is adequate to serve each use on the property, given the varying hours of operation for each use. The Departure is necessary to alleviate circumstances that are special to the subject use.

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;

The applicant has applied all the methods of calculation required by the Zoning Ordinance. The existing and proposed parking is adequate to serve each use on the property.

Parking and loading needs of adjacent residential areas will not be infringed upon if the Departure is granted.

The requested Departure will not infringe upon the parking needs of the residential area, since there is adequate parking on the property to service the existing and proposed uses. The parking needs of the adjacent residential uses are being met by private driveways, garages and on-street parking on neighborhood residential streets.

Section 27-588, Required Findings, of the Zoning Ordinance also requires the Planning Board to consider the following:

- (i) The parking and loading conditions within the general vicinity of the subject property, including the number and locations of available on and off-street parking spaces within 500 feet of the subject property;*
- (ii) The recommendations of an Area Master Plan, or county or local revitalization plan, regarding the subject property and its general vicinity;*
- (iii) The recommendations of a municipality (within which the property lies) regarding the Departure;*
- (iv) Public parking facilities which are proposed in the county=s Capital Improvement Program within the general vicinity of the property*

The parking and loading conditions within the general vicinity of the subject property are

adequate to serve the surrounding residential areas. There are no specific recommendations of an Area Master Plan or municipality for this area that have an impact on parking. There are no public parking facilities in the county=s Capital Improvement Program within the general vicinity of the property.

Section 27-588, Required Findings, of the Zoning Ordinance also states that the Planning Board may give consideration to the following:

- (i) Public transportation available in the area;*
- (ii) any alternative design solutions to off-street facilities which might yield additional spaces*
- (iii) the specific nature of the use and the nature and hours of operation of other uses within 500 feet of the subject property.*

Although there is a technical deficiency in the number of spaces, the total number of parking spaces provided is sufficient to serve the uses on the property. Therefore, the above issues have not been considered to provide additional spaces or justify the Departure.

5. The Transportation Planning Section (Burton to Srinivas, November 9, 2000) has stated that the parking requirements for each use do not appear to be conflicting if the Departure is granted.
6. The Department of Public Works and Transportation (Hizazi to Jones, December 28, 2000) has required coordination with the State Highway Administration.
7. The Permits Review Section (Gallagher to Srinivas, October 13, 2000) has requested minor changes to the site/grading and landscape plans. The applicant has made the required changes to the drawings.
8. The Community Planning Division (Irminger to Srinivas, November 15, 2000) has stated that the proposal is consistent with the guidelines for shared parking in the Master Plan. The western portion of the site is within the 65-70 LDN noise contours of Andrews Air Force Base based on the most recent Air Installation Compatible Use Zone Study (AICUZ). The land use compatibility table identifies educational services as a land use that is generally compatible in the 65-70 LDN contour with noise level reduction measures. The existing and proposed structures on this property are on the eastern portion of the property. The Environmental Planning Section has therefore determined that there are no noise impacts on this property.
9. The Environmental Planning Section (Markovich to Stouten, October 23, 2000) has stated that there is a previously approved Type II Tree Conservation Plan TCP/II/128/99 for this property. The subject DPLS application does not impact the previously approved Tree Conservation Plan. This Section also states that there is an environmental benefit to reducing the required number of parking spaces because of the reduction in the amount of

impervious surface and reduction of the stormwater management measures necessary for the site.

NOW, THEREFORE, BE IT RESOLVED, that Departure from Parking and Loading Standards is hereby APPROVED.

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 Lowe, seconded by Commissioner Brown, with Commissioners Lowe, Brown, Eley, Scott, and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, May 17, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of May 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:LS:rmk