

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DPLS-337 requesting a departure from parking and loading standards 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 January 29, 2009, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The property is located at the southeast quadrant of the intersection of Pennsylvania Avenue (MD 4), Silver Hill Road and Old Silver Hill Road. The site comprises 0.5 acre of land in the C-S-C (Commercial Shopping Center) Zone. The property is currently improved with a 7,023-square-foot building which is currently vacant. The property has two 20-foot-wide driveways channeling traffic entering from Silver Hill Road south to an exit onto Old Silver Hill Road.

- B. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Vacant	Medical Clinic
Acreage	0.5	0.5
Lots	1	1
Parcels	N/A	N/A
Square Footage/GFA	7,023	7,023
Dwelling Units:	N/A	N/A

- C. **History:** The 1986 *Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B* retained the existing C-S-C Zone for the subject property.
- D. **Master Plan Recommendation:** The property is located in an area identified in the 2002 General Plan as the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed- use pedestrian-oriented, medium- to-high-density neighborhoods. This application is consistent with the 2002 General Plan policies for the Developed Tier. This application is in conformance with the land use recommendations of the 1986 Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B for commercial land use.
- E. **Request:** The applicant is requesting a departure of ten parking spaces from the required 36 parking spaces in the Zoning Ordinance, to allow occupancy of the existing building as a dialysis center with 18 dialysis stations.

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

North	—	Across Silver Hill Road, is a shopping center in the C-S-C Zone
East	—	Strip commercial uses including a seafood restaurant/market and auto repair business in the C-S-C Zone
South	—	Across Old Silver Hill Road is a C&P building in the C-O Zone
West	—	Across Pennsylvania Avenue are single-family detached homes in R-R Zone

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. A dialysis center composes 7,023 square feet of GFA requiring a total of 36 parking spaces. The site plan shows a total of 26 parking spaces including a proposed physically handicapped space. The plan is deficient by ten parking spaces. Therefore, the Departure from the Parking and Loading Spaces requirements is needed.
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:** Departure from Parking and Loading Standards.

1. **Section 27-588(b)(7)(A)** 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 Section 27-550 will be served by the applicant's request;**

The purposes of the Parking Regulations (Section 27-550) are as follows:

- 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 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 the uses and to aid in relieving traffic congestion on the streets by reducing the use of public streets for parking and loading. Patients are seen only by appointment, with the usual session lasting four hours. Because of the length of the session and the rigors of the treatment, many of the patients do not drive themselves.

The applicant has submitted evidence that adequate parking spaces are provided to meet the parking needs for the proposed use. The applicant submitted a historic parking analysis conducted by Alex Roush Architects, Inc., based on data collected in 2002, 2004 and 2006 for dialysis center locations in North Carolina and Florida. Using the data contained in that historic analysis and extrapolating the data to the proposed 18-station center finds that slightly more than 50 percent of the patients (10 of 18) utilize parking spaces, with the remainder being dropped off at the center by private car or taxi. Once staff parking is considered (eight employees), a total of 18 parking spaces are expected to be utilized during any one of the three daily shifts.

In addition, the Board has reviewed parking data dated June 11, 2008, for the Renal Advantage, Inc. (RAI). This was submitted by an applicant in a similar request for a departure recently decided by the Planning Board Departure from Parking and Loading Standards application DPLS-333. The RAI is a dialysis center facility that provides outpatient dialysis services. The applicant's parking survey was conducted based on the comparable facilities identified at the Beltsville, Maryland location which has 20 dialysis stations and 11 staff members, and is operated from 6:00 a.m.–7:30 p.m., Monday through Friday. The applicant's parking study was performed on Monday, between the hours of 9:00 a.m.–5:00 p.m. Based on the parking demand survey, the highest number of parking spaces occupied by the dialysis patients was 13 of the existing 35 shared parking spaces on the site. The survey also noted that over 50 percent of the patients arrived and departed via nonemergency medical transportation or taxi services. Those patients that arrived by private automobile, which is less than 50 percent, were dropped off and picked up later. Additionally, the survey noted that most of the patients were extremely frail and unable to drive themselves to or from the treatment locations and required other methods of transportation. This projection

for parking needs closely corresponds to that generated by the historic analysis provided by the applicant.

Upon reviewing the information provided by the applicant and the parking data from RAI, it appears that there is no significant transportation issue that would arise should this request be granted. Staff also conducted a field check of the Beltsville facility from the standpoint of parking utilization and concurred with the applicants parking study. Given that a field check revealed a similar level of utilization, there seems to be no reason to believe that the subject site would function in a dissimilar fashion from a similar site elsewhere in the county. The Environmental Planning Section, the State Highway Administration (SHA), the Community Planning Section, the Historic Preservation Section, the Urban Design Section, and the Public Facilities Planning Section have also offered no objection to the departure.

There will be no disruption to traffic flow or parking conditions on the surrounding streets resulting from the proposed use; thus, nearby residential properties are not likely to be affected by the proposed departure. For this reason, the purposes of this subsection will be served by the requested departure.

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

The departure is the minimum necessary. Due to the physical limitations of the site, the applicant cannot expand the existing parking lot. The site is bounded by existing commercial development in the eastern and southern property lines, and major thoroughfares in the northern and western property line. There are no other open areas on the site to provide additional parking spaces. As such, the departure is the minimum necessary given the specific circumstances of the request.

(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 departure is necessary in order to alleviate circumstances which are special to the subject use, given the nature and physical limitations of this site. The site is surrounded by existing commercial development. For that reason, the applicant could not expand the existing parking lot.

Furthermore, the critical conditions of the patients and the nature of the illness prevent most of its patients from driving to the site and using the parking spaces at its maximum capacity. Since a dialysis center is not

specifically listed in the parking schedule in the Zoning Ordinance, the requirements for a medical clinic are used. The applicant's parking study confirms that, while 36 parking spaces are required by the Zoning Ordinance for the dialysis center, 26 parking spaces proposed by the applicant is more than sufficient for this use and is comparable to the similar intensive special medical care uses in other jurisdictions. These special circumstances make it clear that the operational characteristics of a dialysis center are different than a medical clinic and proposed parking is adequate to serve the needs of its patients, employees, and customers.

(iv) All methods for calculating the number of spaces required have either been used or found to be impractical.

All methods of calculation have been used and found impractical to further reduce the parking requirement. The applicant has applied the correct method for calculating the number of spaces required. The building and parking on the site were developed in 1964, prior to today's design standards. The applicant is grandfathering the pre-1970 parking space size (10 feet by 20 feet) and drives aisle widths (18 feet); and are thus not able to avail themselves of compact parking spaces. Nor can they take advantage of a 20 percent maximum reduction for the joint use of the parking lot, as permitted by Section 27-572 of the Zoning Ordinance.

(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 500 feet from Kentucky Avenue, the nearest residential street. It is not likely that a dialysis patient would park on residential streets and walk to this center. Furthermore, there will be enough parking spaces on-site to accommodate all users, thus residential streets will not be impacted.

2. Section 27-588(b)(7)(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 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 1986 *Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B* recommends commercial land use for the subject property. The proposed uses are consistent with the plan's 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.**

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.

3. **Section 27-588(b)(7)(C)** In making its findings, the Planning Board may give consideration to the following:

- (i) **Public transportation available in the area.**

The subject property is within 200 feet walking distance of bus stops that are located along Silver Hill Road. The applicant does not anticipate any significant use of public transportation by their patrons, except for the possibility of utilization of the "Call-A-Bus" and "Call-A-Cab" programs which provide curb to curb service.

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

Due to insufficient land area on-site to provide additional parking, no alternative design solutions have been found.

- (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 500 feet of the subject property.**

The applicant has not determined the exact operating hours for the dialysis center since the use has not been established. The applicant is proposing three four-hour shifts. The other comparable use in Prince George's County, owned and operated by Renal Advantage, operates from 6:00 a.m.–7:30 p.m., while some centers operate during the same hours on Saturdays. Due to the nature and the condition of the patients at the center, 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 use. The proposal will not affect the nature and hours of operation of other uses within 500 feet of the subject property.

- (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 APPROVE 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 Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt and Parker voting in favor of the motion, and with Commissioners Vaughns and Clark absent at its regular meeting held on Thursday, January 29, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of February 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator