

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed DPLS-406, Edge Medical, requesting a departure of four parking spaces from the fourteen required number of parking spaces 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 31, 2014, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The property, 5305 Kenilworth Avenue, Riverdale Maryland, is located on the east side of Kenilworth Avenue (MD 201) approximately 2,940 feet south of East-West Highway (MD 410). The site comprises .214 acres of land in the C-S-C Zone in Planning Area 69 Bladensburg/New Carrollton and vicinity. The property is currently improved with a one and one half story 3090-square-foot building which has a proposed use as a medical center and general offices. Parking is provided in the rear of the lot. The sole access to the property is from Kenilworth Avenue (MD 201), via an existing 18-foot-wide driveway. There is no other access to the property. The rear of the property is fenced and is adjacent to a gas station zoned C-S-C and residential properties zoned R-55 abut the property in the rear.

- B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	CSC	CSC
Use(s)	Medical Center/ General Office	Medical Center/ General Office
Acreage	7,218	7,218
Lot	3	3
Square Footage/GFA	3,090	3,090

- C. **History:** The subject property, known as Lot 3, Block A, Springbrook Terrace (recorded September 1937) has a previously approved Departure from Design Standards DDS-244, PGCPB Resolution No. 86-281, approving the existing 18-inch driveway width. Permits were previously approved for a real-estate office (9202-85-GU/01) and an animal clinic (1381-83-U). The Maryland State Highway Administration (SHA) has an easement along the front of the subject property as part of the implementation of a right-of-way project widening Kenilworth Avenue (MD 201). The approved master plan for the subject property is the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity* (Planning Area 69). Per the State Assessment Database the building has a commercial use.
- D. **Master Plan Recommendation:** This application is in conformance with the land use recommendations of 1994 *Approved Master Plan and Sectional Map Amendment for*

Bladensburg-New Carrollton and Vicinity. The sector plan's land use recommendation is for infill mixed-use development to create green, healthy, and pedestrian-friendly communities.

- E. **Request:** The applicant is requesting a departure of four parking spaces from the required fourteen parking spaces in the Zoning Ordinance.

- F. **Surrounding Uses:** The property is located on the southeast side of Kenilworth Avenue (MD 201), between its intersection with Kennedy Street to the north and Carters Lane to the south. The property abuts other C-S-C zoned land, and is adjacent to R-55 zoned properties that are developed with single-family residential dwellings.

North— C-S-C zoned land, developed with single family residential dwellings, used as commercial businesses.

South— C-S-C zoned land, developed with a gas station

East— R-55 zoned land, developed with single family residential dwellings.

West— C-O zoned land, developed with single family residential dwellings, used as commercial businesses.

- 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 offices and the general office requirement is one parking space for every 250 square feet of gross floor area (GFA). A minimum of fourteen parking spaces is therefore required. The site plan is deficient four parking spaces. Therefore, a departure from the parking and loading space requirement is needed.
2. **2010 Prince George's County Landscape Manual:** No Natural Resources Inventory Plan is required for this project and there are no regulated environmental features located on-site.
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:**

Section 27-588(b)(8) 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 this Part (Section 27-550) will be served by the applicant's request;**

The purposes of Section 27-550 are as follows:

- (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.**

The purposes of the parking and loading 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 established use and to aid in relieving traffic congestion on the streets by reducing the use of public streets for parking and loading. The provision of on-site parking spaces at the subject location protects the residential character of Kennedy Street, 55th Place and Carter's Lane.

The applicant proposes the departure as a means of serving the current and future needs and uses of the property. Permits were previously approved for a real-estate office (9202-85-GU/01) and an animal clinic (1381-83-U), which utilized the entire available area at the rear of the property for parking. The subject property is surrounded by fully developed land. There is no room for expansion. The ten parking spaces provided are a convenient amenity to those patrons using the proposed services offered, which benefits the Regional District. Additionally, the subject property is in an area that is served by public transportation that includes Metro Bus routes 82, R11 and R12, and is within walking distance of the planned Purple Line. Thus, nearby properties are not likely to be affected by the proposed departure.

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

The departure is the minimum necessary, since only fourteen spaces are required. Approval of this departure request allows the parking lot to be utilized to its maximum potential.

- (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 its nature at this location. The Zoning Ordinance allows a 20 percent reduction in parking for joint uses. Per the Zoning Ordinance the medical center use is a more intense use, as such; the joint use parking reduction is not applicable in this instance.

The subject property was developed as part of a residential subdivision known as Springbrook Terrace in 1937, the property was subsequently rezoned to C-S-C, which is typical of many of the single family residences located along Kenilworth Avenue (MD 201) and the surrounding area. The subject property has no room for expansion. The property is also subject to a right-of way expansion along Kenilworth Avenue by The Maryland State Highway Administration (SHA), which further limits opportunities for parking expansion. The departure is therefore, necessary to alleviate the special circumstances related to building use and the physical limitations of the subject property.

- (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**

All methods of calculation have been fully applied to this application. Per the site plan the building is divided into two areas with 1,545 square feet of gross floor area (GFA). The required number of parking spaces is calculated based on use: one space per 200 square feet for medical office use for a total of eight required spaces and one space per 250 square feet for general office use for a total of six required spaces. The total required number of spaces is fourteen based upon the two uses. Ten spaces are provided on the site plan.

- (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. Parking is not permitted on Kenilworth Avenue (MD 201). Residential streets will not be impacted, because there is access to public transportation (Metro Bus 82, R11 and R12), the area is pedestrian friendly, and there are sufficient parking spaces to accommodate both the medical center and general office uses. There will be no spillover into residential streets.

- (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;**

The area within 500 feet of the subject property is characterized by commercial and residential uses. The adjoining and nearby commercial and residential 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. The applicant is not proposing the use of on-street parking to support either proposed use.

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

The proposed medical and general office use associated with this application is consistent with the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity*. The proposed uses are consistent with the sector plan's recommendations for infill mixed-use development to create green, healthy and pedestrian friendly communities and will not impair the integrity of the master plan. The master plan's vision is to preserve and enhance established residential areas and protect them from encroachment of incompatible uses.

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

On July 7, 2014, at its regularly scheduled legislative session the Riverdale Park Town Council voted to recommend approval of Departure From Parking and Loading Standards DPLS-406 subject to conditions. Specifically, the condition that the applicant repair the bricks in the front-yard retaining wall.

- (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.

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

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

Public transportation is available. The area is serviced by the 82, R11 and R12 Metro Bus routes. The proposed Purple Line will be less than a quarter mile away from the subject property.

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

There are no design solutions to off-street facilities for the required parking spaces. The property is fully developed and does not provide opportunities for to provide additional parking spaces. Parking is not allowed on Kenilworth Avenue (MD 201).

- (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;**

The proposal has no effect on the nature and hours of operation of other commercial/retail uses within 500 feet of the subject property, if the departure is granted because the subject property is surrounded by residential uses only.

- (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 C-S-C Zone; therefore, the above section is not applicable.

CONCLUSION

Given the analysis of the subject property by the Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Department staff, the request for a departure from the parking and loading standards meets the requirements of the Prince George's County Zoning Ordinance and will not adversely affect the subject property or the surrounding neighborhood. This request has been reviewed by the Town of Riverdale Park Council and the Town Council indicated support for this request with the condition that the front-yard retaining wall is repaired. The applicant stated at the July 31, 2014 Planning Board hearing that they have complied with the request to repair the existing front yard retaining wall, per the request of the Riverdale Park Town Council. The proposed use is virtually permitted by right and will not alter the relationship between this office and the surrounding neighborhood.

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 APPROVED the above-noted application, subject to the following conditions:

1. Prior to certification the applicant shall revise the site plan to demonstrate conformance to the previously approved Departure from Design Standards DDS-244, including but not limited to showing the driveway aisle dimensions and building square footage on the site plan.

2. Prior to the issuance of Use and Occupancy permits, the applicant shall repair the existing front-yard retaining wall.

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 Shoaff, seconded by Commissioner Washington, with Commissioners Shoaff, Washington, Bailey and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, July 31, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of September 2014.

Patricia Colihan Barney
Executive Director

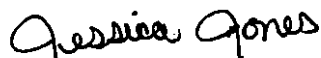
APPROVED AS TO LEGAL SUFFICIENCY


M-NCPFC Legal Department

Date

8/14/14

By



Jessica Jones

Planning Board Administrator

PCB:JJ:IT:arj