

RESOLUTION

WHEREAS, the Prince George’s County Planning Board has reviewed Departure from Parking and Loading Standards DPLS-423, Rosenberg & Fayne, LLC, requesting a departure from all of the required parking 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 April 28, 2016, the Prince George’s County Planning Board finds:

A. **Location and Field Inspection:** The property, 5400 Kenilworth Avenue, Riverdale Park, Maryland, is located on the west side of Kenilworth Avenue and Spring Road, approximately 2,500 feet south of East-West Highway (MD 410). The site comprises 0.16 acre of land in the Commercial Office (C-O) Zone in Planning Area 68. The property is currently improved with a two-story 4,485-square-foot building used as legal offices. The sole access to the property is via an existing 30-foot-wide driveway located in the right-of-way along Spring Road. This driveway serves as the entrance to the off-street parking located in the right-of-way. There is an existing chain-link fence along the northern property line, which is adjacent to a single-family residence zoned C-O (also owned by the applicant). West of the property is a legal office in the Rural Residential (R-R) Zone. A freestanding sign is located along Kenilworth Avenue.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-O	C-O
Use(s)	Office	Office
Acreage	0.16	0.16
Lot	2	2
Square Footage/GFA	4,485	4,485

C. **History:** Per the State Assessment Database, the building has a commercial use. Since 1981, the subject property, known as Lot 2, Block 1, Springbrook Terrace (September 1936), has previously approved permits for the operation of law offices (1344-81-U and 28128-20103-CU-01 issued September 10, 2014). Building Permit 28128-2013-00 was issued for the basement build-out for use as additional office space.

D. **Master Plan Recommendation:** This application is consistent with the 1994 *Planning Area 68 Approved Master Plan and Sectional Map Amendment*, which retains this property in the Commercial Office Zone, and is in conformance with the land use recommendations.

E. **Request:** The applicant requests a departure from all of the required parking standards. The original application sought relief of 7 parking spaces from the 15 spaces required. However, it was

determined through the review process that the site does not meet the design requirements for the required 22-foot driveway entrance. All on-site parking provided is only accessible via an existing 30-foot-wide driveway entrance from Spring Road. The site is developed such that there is no ability to provide off-street parking and adequate on-site vehicular circulation. Therefore, the applicant is requesting a departure of all 15 parking spaces per the Prince George's County Zoning Ordinance requirement because both the access and the parking is located within the right-of-way.

- F. **Surrounding Uses:** The Springbrook subdivision is developed with both residential and commercial uses. The property is located on the northwest quadrant of Kenilworth Avenue (MD 201), at its intersection with Spring Road to the south. The area is largely developed.

North— Single-family residence zoned C-O and used as legal offices.

South— Undeveloped land zoned C-O owned by the State of Maryland.

East— Kenilworth Avenue (MD 201).

West— R-R-zoned property, developed and used as legal offices.

- G. **Design Requirements:**

1. **Number of Required Parking and Loading Spaces:** Section 27-568(a) of the Zoning Ordinance requires one parking space for every 250 square feet of gross floor area (GFA) for general office uses. A minimum of 15 parking spaces is required. The subject site is fully developed and the only available parking is located within the right-of-way. The location of the existing parking spaces within the public right-of-way is not allowed to be counted toward the required parking. The spaces shown, but not counted, per the Zoning Ordinance, have existed and were used continuously since the original building was constructed. The Zoning Ordinance did not address parking in the right-of-way prior to 1974.

The site was developed in 1971, and parking was permitted in the right-of-way per the pre-1974 standards. However, because of the expanded use of the building, the site must now comply with the current Zoning Ordinance standards. As such, the site plan is deficient 15 parking spaces. Therefore, a departure from the parking space requirement is necessary. The applicant has requested a departure for 15 parking spaces.

The existing neighborhood is extensively developed. All available parking is located within the right-of-way. Section 27-563 of the Zoning Ordinance requires a 22-foot-wide driveway connection to the street. Both the subject site and any available on-site parking is only accessible via an existing 30-foot-wide driveway entrance from Spring Road in the right-of-way. The subject site is developed such that there is no ability to provide adequate on-site vehicular circulation or off-street parking.

2. **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. The site is not subject to the Landscape Manual because there is no change of use per Section 1.1(d) of the Landscape Manual.
3. **Signs:** There is an existing freestanding sign located along Kenilworth Avenue. All signs must meet the 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 applicant proposes the departure as a means of serving the current and future needs and uses of the property.

Permits were previously approved for the operation of law offices (1344-81-U and 28128-20103-CU-01) that utilized land available in the right-of-way, which is the entire available area at the south and east side of the property for parking. The parking that is

currently available has existed since the building was constructed. The review of aerial photos from 1977 through 2014 shows consistent views and use of the parking area. The majority of the clients are local to the area and parking, which is available only in the right-of-way, is underutilized. The subject property is surrounded by fully-developed land. There is no room for expansion. The subject property is in an area that is served by public transportation that includes the T14 and R12 Metro Bus routes 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 15 spaces are required. When the property was subdivided in 1936, and the building subsequently constructed in 1971, it was done per the existing 1970 development standards and parking requirements. There is no opportunity for adequate on-site circulation because the building encompasses the entire buildable area. Approval of this departure request allows the subject site 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. All of the land available to provide parking for this property and the adjacent property are located in the right-of-way along Spring Road.

The subject property was developed as part of a residential subdivision known as Springbrook in 1936, the property was developed in 1971 for commercial use in the C-O Zone, which is typical of many of the uses located along Kenilworth Avenue and the surrounding area. The subject property has no room for expansion and there are no other opportunities for parking expansion.

The departure is 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.

- (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 needs of the residential areas will not be infringed upon if this request is granted. Parking is not permitted on Kenilworth Avenue. Residential streets will not be impacted, because there are currently parking opportunities in the right-of-way, access to public transportation (Metro Bus T14 and R12 and the future Purple Line), and the area is pedestrian friendly. Spillover into residential streets is not anticipated.

- (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 land use associated with this application is consistent with the land use recommendations of the 1994 *Planning Area 68 Approved Master Plan and Sectional Map Amendment*. The proposed uses are consistent with the plan recommendations and will not impair the integrity of the 1994 Master Plan.

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

The Town of Riverdale Park supports the departure. However, the Riverdale Park Town Code does not allow for the installation of chain-link fences, and the Town has requested that the applicant provide another material per the Town Code. The applicant has proffered to install a four-foot-high, black, iron fence to comply with Chapter 66, Section 1.1, of the Town Code.

- (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 T14 and R12 Metro Bus routes. The proposed Purple Line will be less than a one-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 the property owner to provide any parking spaces. Parking is not allowed on Kenilworth Avenue.

(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 current and expanded use of the subject property is for law offices. The law office hours of operation are 9:00 a.m. to 5:00 p.m. 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. All nearby commercial retail uses are located north and east of the subject property and have adequate on-site parking.

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

CONCLUSION

Given the analysis of the subject property by the Planning Board, 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.

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 condition:

1. Prior to certification of the site plan, the applicant shall make the following changes to the site plan:
 - a. Correct Note 6 to reflect the current existing building square footage of 3,024 square feet.
 - b. Indicate the height of the concrete block wall along the northern property boundary.
 - c. Indicate on the site plan the proposed installation of a four-foot-high, black, iron fence along the northern property boundary.

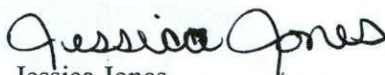
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

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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 Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, April 28, 2016, in Upper Marlboro, Maryland.

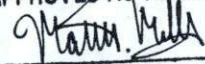
Adopted by the Prince George's County Planning Board this 19th day of May, 2016.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:IRT:rpg

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 5/5/16