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## Departure from Parking and Loading Standards

**DPLS-424**

Application	General Data	
<b>Project Name:</b> Cherry Lane Business Center  <b>Location:</b> On the southwest side of the intersection of Laurel Bowie Road (MD 197) and Cherry Lane.  <b>Applicant/Address:</b> Minimally Invasive Vascular Center 8730 Cherry Lane Laurel, MD 20707  <b>Property Owner:</b> Same as applicant	Planning Board Hearing Date:	N/A
	Staff Report Date:	03/22/16
	Date Accepted:	01/29/16
	Planning Board Action Limit:	N/A
	Plan Acreage:	2.09 acres
	Zone:	C-O
	Gross Floor Area:	18,275 sq. ft.
	Lots:	N/A
	Parcels:	1
	Planning Area:	62
	Council District:	01
	Election District	10
	Municipality:	N/A
	200-Scale Base Map:	218NE08

Purpose of Application	Notice Dates	
Request for approval of a departure of 9 parking spaces from the required 92 spaces, to a total of 83 spaces, required by the Zoning Ordinance.	Informational Mailing	N/A
	Acceptance Mailing:	N/A
	Sign Posting Deadline:	02/17/16

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Ivy R. Thompson <b>Phone Number:</b> 301-952-4326 <b>E-mail:</b> Ivy.Thompson@ppd.mncppc.org	
<b>APPROVAL</b>	<b>APPROVAL WITH CONDITIONS</b>	<b>DISAPPROVAL</b>	<b>DISCUSSION</b>
	X		



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
**14741 Governor Oden Bowie Drive**  
**Upper Marlboro, Maryland 20772**

**PLANNING DIRECTOR DECISION**  
Limited Departures and Revisions to Approved Plans

**Application No:** Departure from Parking and Loading Standards DPLS-424

**Project Name:** Cherry Lane Business Center

**Reviewer's Name:** Ivy R. Thompson, Senior Planner  
Edward Holley, Senior Planning Technician

- A. **Nature of the Applicant's Request:** Applicant seeks a departure from the Zoning Ordinance for the number of required parking spaces for the proposed development of a two-story 18,275-square-foot Medical Office Building. The applicant requests administrative approval for a waiver of 9 parking spaces from the 92 required by the Zoning Ordinance.
- B. **Required Findings:** Section 27-588(c) of the Zoning Ordinance generally authorizes the Planning Board and Planning Director to approve departures from the minimum number of off-street parking and loading spaces.

**Section 27-588. Departures from the number of parking and loading spaces required.**

**(a) Authorization.**

**In order to accomplish the purposes of this Part, the numbers of off-street parking and loading spaces required by Sections 27-568 and 27-582 shall generally be provided. A departure from these minimum numbers of spaces may be permitted by the Planning Board or Planning Director, in accordance with this Section, or by a municipality if this authority has been delegated by the District Council to a Municipal Corporation or through the establishment of a Revitalization Overlay District.**

**(c) Limited departures from the number of parking and loading spaces required.**

- (1) The Planning Director is authorized to approve administratively, without public hearing, limited departures from the number of parking and loading spaces required.**
- (2) Limited departures may be approved for a maximum of ten percent (10%) of standard requirements, not to exceed one hundred (100) parking spaces or one (1) loading space.**

- (3) **Before approving a limited departure, the Director shall make the findings required in (b)(7) and all others the Planning Board would be required to make, if it reviewed the application.**

**Comment:** The requested departure is for a total of nine parking spaces, which is 9.89 percent of the 92 total number of parking spaces required per the Zoning Ordinance. Based on the minor nature of the request and the fact that the proposed departure is for less than ten percent of the standard requirements, the application, therefore, is eligible for review by the Planning Director.

**Required Findings**—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 this Part (Section 27-550) will be served by the applicant's request;**

**Comment:** The purposes of Section 27-550 are:

- (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.**
- (ii) **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 predominately developed prior to November 29, 1949;**
- (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

- (v) **Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**
- (4) **The Director is not authorized to waive requirements in this Subtitle, grant variances, or modify conditions, considerations, or other requirements imposed by the Planning Board or District Council in any case.**
- (5) **The applicant's property shall be posted within ten (10) days of the Director's acceptance of filing of the application. Posting shall be in accordance with Part 3, Division 1. On and after the first day of posting, the application may not be amended.**
- (6) **If a written request for public hearing is not submitted within the posted time period, then the Director may act on the application. The Director's approval concludes all proceedings.**
- (7) **If the Director denies the application or a timely hearing request is submitted, then the application shall be treated as re-filed on the date of that event. The applicant, Director, and Technical Staff shall then follow the procedures for Planning Board review in (b) above.**

**Comment:** The proposed departure will not exceed the maximum 10 percent allowed under the standard requirement nor exceed one hundred (100) parking spaces and one (1) loading space allowed for limited departure applications and is, therefore, eligible for review by the Planning Director. However, based upon the recommendation of the Zoning Supervisor, the Director has denied the waiver of the posting requirement. As of February 17, 2016, the applicant has met the posting requirement set by the Zoning Supervisor.

**C. Determination:**

1. The subject property is known as Parcel E, and consists of 2.09 acres in the C-O Zone (Commercial Office). The property is located on the southwest side of the intersection with Laurel Bowie Road (MD 197) and Cherry Lane, just outside the City of Laurel's municipal limits. Access to the development is provided via an existing driveway connecting to Cherry Lane. The site, currently an unimproved wooded area, has a proposed development of a two-story 18,275-square-foot Medical Office building.
2. The neighborhood in which the property is located is bounded by Cherry Lane to the north and Laurel Bowie Road (MD 197) to the east. The neighborhood is predominantly residential developed properties north of Cherry Lane are zoned R-18, R-T and R-R, with the exception of developed C-O Zoned property to the west. South of the property are detached single-family dwellings, known as Snow Hill Manor, that are situated on standard lots within the R-55 Zone.
3. The applicant is requesting a departure from the Zoning Ordinance parking requirements of nine parking spaces and seeks approval of 83 spaces, a reduction of

9.89 percent of spaces required. The purpose of the request is to reflect the actual parking needs given the projected staffing and use of the facility by patients. The proposed request is truly limited in scope and nature and will have no appreciable impact on the adjacent properties.

4. 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 each new use established and to aid in relieving traffic congestion on the streets by reducing the use of public streets for parking and loading. The requested departure will result in a sufficient number of parking spaces to serve the proposed medical office. While the area is primarily residential, the proposed medical office will provide direct access to its parking compound, therefore, eliminating the potential for parking along residential streets, thereby, protecting the residential character of the surrounding community. The proposed parking facility will be proximate to the proposed Medical Office Building and will be convenient for patients and staff combined.
5. The departure is the minimum necessary. The proposed parking arrangement provides a compatible mixture of standard and compact spaces which provides the optimum number of parking spaces to support the medical office use while also providing a complimentary parking design to support both patients and staff of the facility.
6. The departure is necessary in order to alleviate circumstances which are special to the subject use as a medical facility bordering a residential development. The departure is necessary to provide the applicant relief from the strict application of the Zoning Ordinance, in which, the applicant believes the one space per 200 square feet required per Section 27-568 is an impractical parking standard to comply with due to the stated hours of operations and projected parking demands. The applicant's site plan has been adjusted to maximize the number of compact spaces allowed by the Zoning Ordinance as well as limiting the number of parking spaces needed for physician services, surgery center, and employees during business hours.
7. All methods for calculating the number of spaces required have resulted in the minimum requirements of 92 parking spaces, from which this departure application seeks relief. As noted, the applicant has maximized the use of compact spaces and has limited the hours of operation as a means of meeting the parking demand.
8. The applicant submits that the parking and loading needs of the residential area will not be infringed upon if this request is granted. Access to the Medical Office Building is via Cherry Lane. There is no vehicular access to the adjacent Snow Hill Manor neighborhood from the proposed development. Therefore, patrons of the medical facility who are not residents of Snow Hill Manor will not have a need to park within the residential area.
9. The proposed departure will not exceed the maximum 10 percent allowed under the standard requirement nor exceed one hundred (100) parking spaces and one (1) loading space allowed for limited departure applications and is, therefore, eligible for review by the Planning Director. However, based upon the recommendation of the Zoning Supervisor, the Director has denied the waiver of the posting requirement. As of February 17, 2016, the applicant has met the posting requirement set by the Zoning Supervisor.

**D. Referral Comments:**

**Permits**—The Permit Review Section staff recommends revisions to the site plan which includes: (1) increasing the width, height and location of the loading space; (2) correcting the proposed building square footage along with the number of parking spaces required; and to (3) remove the reference to the 10 percent reduction statement from the parking tabulation on the site plan. The applicant has correct the loading space and the square footage on the site plan. The last revision is a condition of approval.

**E. Recommendation:**

Based in the above findings, it is recommended that Departure from Parking and Loading Standards DPLS-424 be APPROVED with the following conditions:

1. Prior to certification of the plans, the site plan shall be revised to show the following:
  - a. Remove the 10 percent reduction reference from the parking tabulation and replace with “Departure Requested” on the site plan.

\* \* \* \* \*

**APPROVED BY AUTHORITY OF:  
Fern V. Piret, Planning Director**

**Date:** \_\_\_\_\_

**By:** \_\_\_\_\_  
**Jimi Jones, Zoning Supervisor**