

Prince George's County Special Exception Application No. 4354

Applicant: Helen E. Jones, Owner

Location: The subject property is located at the northeast corner of Queens Chapel Road and Queensbury Road

Request: To expand the square feet of medical office space for an approved special exception from 591 square feet to 1,291 square feet

R E S O L U T I O N

WHEREAS, the applicant has requested a special exception for a medical practitioner's office in accordance with Section 27-373 of the Prince George's County Zoning Ordinance; and

WHEREAS, the Technical Staff Report released November 10, 1999, recommended APPROVAL, with conditions; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on January 6, 2000, the Prince George's County Planning Board agreed with the staff recommendation, except as to traffic circulation and adopts the staff analysis and recommendation, as noted below.

WHEREAS, the Planning Board recommendation is based on the findings and conclusions found in the Technical Staff Report and the following DETERMINATIONS:

- A. Location and Field Inspection: The subject site is located in the northeast quadrant of the intersection of Queens Chapel Road and Queensbury Road in the City of Hyattsville. It is about .23 acre in area and is developed with a one-story frame residential structure which is used as a medical office for the applicant, a podiatrist. The eastern half of the site is paved for a parking lot and driveway which provides access from Queensbury and Queen Chapel Roads. There are currently 10 parking spaces identified on the site by wheel stops and striping, one of which is reserved for parking for the handicapped. A concrete walkway with several steps provides pedestrian access to the building.
2. History: The current medical practice was started as an accessory use prior to 1976. In 1976, Special Exception No. 2976 was approved for a non-resident medical practitioner, subject to two conditions:
 1. That the proposed use conform to the site plan, Exhibit 3. The site plan is amended by the inclusion of plantings as shown in the sketch attached to the Staff Report, Exhibit 9; and
 2. That this special exception shall not take effect until a variance to Subsection 14.22, Lot Coverage, in the amount of 19 percent is granted.In the years since the 1976 decision, the applicant has repaved the parking area, restriped it and slightly enlarged it. The number of parking spaces increased from the six shown on the 1976 site

plan to the 10 striped today. Only a small increase in paving along the northernmost parking space has occurred; however, the 10-foot-wide strip along the eastern property line has also been paved.

The 1976 site plan shows a stockade fence, six feet in height, along Lot 2. This fence has apparently never been provided. The staff report sketch also shows a six-foot-wide landscape strip between the parking lot and Queensbury Road which has not been provided.

3. Request: The applicant's attorney provides the following information: ■The office has been in constant use prior to and since the special exception was approved. Exhibit 3 (the approved site plan) indicated the medical practitioner's use would be limited to 521 square feet of the dwelling. It has been determined that since the doctor is now requesting the entire square footage of 1,291 be approved for medical use (computer space, storage of files and medical records, etc.) that a new special exception is required. The only changes which have occurred are the desire to use the entire dwelling, the parking configuration and the addition of two (2) spaces. The original approval was for six (6) parking spaces and this application is to increase that number to eight (8) spaces.●
4. Master Plan Recommendation: The Master Plan for Planning Area 68 (1994) retained the single-family residential use recommendation for the subject site.
5. Neighborhood and Surrounding Uses: The following neighborhood boundaries were accepted in Special Exception 2976 and are proposed again: Queens Chapel Road (northwest), 41st Street (east), and Oliver Street (south). This is a small neighborhood and contains those properties most likely to be affected by the changes to the approved special exception.

To the northwest, across Queens Chapel Road are two churches and affiliated schools in the R-55 Zone. To the east and south are single-family detached residences, also in the R-55 Zone. To the west, across Queens Chapel Road and south of Belcrest Road, is a fire station.

6. Specific Special Exception Requirements: **Section 27-373. Medical practitioner's office in a one-family dwelling.**
 - (a) **A medical practitioner's office may be permitted in a one-family dwelling, subject to the following:**
 - (1) **In each dwelling, there may be either two (2) practitioners who are bona fide residents of the dwelling or not more than two (2) practitioners who are not bona fide residents of the dwelling;**

The previous special exception was approved for up to two practitioners. Dr. Jones, who was the original applicant, remains the sole practitioner on the site, but may wish to add a second practitioner at a future date.

- (2) **The applicant shall demonstrate that there is a need for an additional practitioner in the area, based on the population to be served and the availability of other practitioners in the general vicinity;**

The issue of need was addressed at the 1976 special exception approval. At that time, it was determined that due to the limited walking ability of patients seeking care for their feet, it was important to have an office with parking spaces as close as possible to the door. It was noted that there were no other physician's offices in the defined neighborhood, but that there were medical offices and office space available north of East West Highway, just outside the neighborhood. The fact that these offices are in larger office buildings with more extensive parking lots, was a factor in determining that a need for this type of medical office exists in the vicinity.

The current practice has existed at this site for about thirty years, first as an ancillary use, and then as a special exception approved use. This clearly indicates the need for one practitioner. The applicant also indicates the following:

Outside the neighborhood, there is limited professional office space on both sides of Belcrest Road north of Rt. 410 (East-West Highway). There appears to be very limited space in Prince George's Plaza. Farther west, on the north side of Rt. 410, there are some condominium townhouse offices. There are two very large high rise office buildings north of Rt. 410 and east of Belcrest Road (Blumberg Properties). It is interesting to note that when this special exception was initially granted, one of these large buildings was available as rental space as offices to the private sector. Currently both of these buildings are leased and used by the Federal government.

Assuming this information can be verified, it appears that some fewer office opportunities exist in the area than in 1976. In any event, the need for this use remains essentially the same as when it was approved for up to two practitioners in 1976.

- (3) **Commercially zoned office space (suitable for the practice) is not available in the neighborhood;**

As noted above, commercially-zoned office space is not available in the defined neighborhood. While available in the general vicinity, other office space is not suitable due to the nature of the podiatry practice.

- (4) **The use shall not alter the residential character or appearance of the premises;**

The use, as approved in 1976, was found to not alter the residential character or appearance of the premises. The only significant difference between the subject property and others in the neighborhood is the parking lot, large enough for eight

spaces. Although there has been a slight increase in the size of this parking lot, it is not significantly different from what was approved.

However, the site plan as approved, provided for landscaping between the parking area and the Queensbury Road sidewalk. It also showed a six-foot-high stockade fence to screen the view of the parking lot from neighboring Lot 2, 3902 Queensbury Road. Neither of these amenities are in place or shown on the presently proposed site plan. With appropriate conditions, as detailed below in Section H, *Landscape Manual* Requirements, the use will blend more harmoniously into its residential setting.

The freestanding sign is proposed to be modified. The proposed sign must either remain within the area parameters permitted by the Section 27-614 of the Zoning Ordinance for signs for a non-residential use in a residential zone, or must be limited by the more restrictive area requirements of Section 27-627 for professional uses. Because Section 27-614 would require a departure from design standards for the location of the building, staff recommends conformance with Section 27-627.

- (5) **Not more than a combined total of four (4) nonprofessional assistants may be employed on the premises at any one (1) time, whether in connection with a practitioner's office or another permitted use;**

The applicant indicates that they will conform to this requirement.

- (6) **A use and occupancy permit shall be required for this use;**

The applicant has a use and occupancy permit for this use, and appropriate permits will be obtained should circumstances (such as a change in owner or tenant) apply.

- (7) **The Zoning Enforcement Officer shall investigate all complaints about uses granted under this section, and shall forward a report thereon (with or without recommendation) to the District Council. The District Council may, after sending notice to the property owner and following a public hearing held by the Zoning Hearing Examiner in accordance with Section 27-129 on the matter, revoke, suspend, or modify the Special Exception, upon a finding that the use has an adverse effect upon the neighborhood. The following procedures shall apply:**

- (A) **After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council.**
- (B) **All persons of record shall be given at least ten (10) days written notice by the Clerk of the Council of the date and time of the District Council's consideration of the matter.**

- (C) **Any person of record may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the District Council. If appealed, all persons of record may testify before the District Council.**
- (D) **Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.**

These procedures are noted for the record.

7. Parking Regulations: The parking regulations require one parking space for every 200 square feet of office space for a medical office. The 1,291 square feet of office space in this application require seven spaces. Eight are provided, one of them for the handicapped. The parking regulations also permit a one-way traffic aisle to be 18 feet in width for angled spacing. The proposed site plan complies with these regulations as well. The adjoining property owner has commented that patients at the facility tend to use the driveway as a two-way driveway. This has resulted in some damage to the neighbor's fence and situations where a vehicle occasionally ends up in the neighbor's front yard (where there is no fence). Staff also found no signs or directional arrows on the driveway directing drivers to properly use the one-way driveway. Staff is recommending a condition to reverse the one-way directional flow of traffic on the driveway to address the concerns. See subsection (4) of Section K Required Findings for details.
8. Landscape Manual Requirements: Because there is no increase in gross floor area, this application is generally exempt from the requirements of the *Landscape Manual*. However, Section 27-328.02 of the Zoning Ordinance also provides that where the District Council determines that the amount of landscaping required by the *Landscape Manual* is insufficient to adequately protect adjacent uses, the Council may require additional landscaping.

In this case, some, but not all of the landscaping required in 1976 has been provided. The proposed site plan does not show a landscape strip between the parking lot and Queensbury Road. It is recommended that one shade tree and seven shrubs be provided in this area.

A more difficult question surrounds the issue of landscaping and buffering the office and parking lot from the adjoining residential property. Current *Landscape Manual* bufferyard regulations would require a 20-foot-wide landscaped bufferyard and the equivalent of 24 evergreen trees or 12 shade trees. As noted, the 1976 site plan required a stockade fence. Given the difficulty of providing adequate maneuvering space in the parking lot, there is little room to provide landscaping. Moreover, the limited space decreases the likelihood of the survival of plant materials.

Although a sight-tight fence might effectively screen the parking lot from the neighbors' view, it may not necessarily be in the best interest of neighborhood. Reduced visibility can sometimes lead to problems associated with loitering, especially with an office which has limited hours of operation. It has also been pointed out that due to the limited space, vehicles have sometimes damaged the

neighbors' front yard and backyard fence. We therefore recommend that a sturdy, attractive ornamental wrought-iron fence or brick or similar fence, four feet in height, separate the site from the next door neighbor.

This would provide for a more attractive, safer, and sturdier screen than currently exists. It would, of course, be the applicant's responsibility to maintain this fence. It may be possible to protect the neighbor's yard with a more utilitarian barrier such as a guard rail. However, the applicant has the responsibility to maintain a residential character while protecting the neighborhood from adverse affects associated with the use. An attractive and sturdy fence will provide visual separation between the two uses, which preserves both the residential character of the neighborhood and the dignity associated with professional office uses.

9. Zone Standards: The proposed site plan indicates that the site meets the current lot coverage, yard and setback requirements of the R-55 Zone. In the case of lot coverage, a variance was previously obtained; however, a variance is no longer necessary as long as the lot coverage remains under 60 percent for a non-residential use in a residential zone.
10. Sign Regulations: **In accordance with Section 27-627 of the Zoning Ordinance, the applicant is permitted to have one sign which may be illuminated and comprise a maximum of two square feet for a professional use (medical practitioner).**

The site plan delineates one freestanding sign located along the right-of-way at the corner of the adjoining intersection. Site plan notes indicate that the current freestanding sign (45" x 15") approximating 5.6 square feet is proposed to be replaced by one (37" x 15") approximating 3.81 square feet. Both of these signs exceed the permissible area. The sign location is fine; however, the notes must be revised to indicate the proposed sign will not exceed two square feet.

While researching the history of this property, staff found two previous sign permit applications. Sign Permit No. 10569-91-S was previously denied for a freestanding sign the same size as the one proposed in this application. Sign Permit No. 10571-91-S was approved for a building-mounted sign. Records indicate no approved permits for a freestanding sign on this property.

11. Required Findings:

Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

- (1) **The proposed use and site plan are in harmony with the purposes of this Subtitle.**

The purposes of the Zoning Ordinance are best summarized in the first general purpose: **To protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County.** The proposed use will continue to provide a medical service which is clearly beneficial to patients residing in the area by providing health services in a convenient manner. As indicated by the appearance of the

property, this service has been provided while maintaining the residential appearance of the site, thereby promoting the welfare of nearby residents. With the recommended conditions, the proposed use will serve these purposes.

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.

With the approval of this special exception, the proposed use will conform to all applicable requirements and regulations. The existing special exception limits the medical use to 591 square feet. To the extent that the medical office has exceeded this boundary, the use may not currently meet the zoning regulations. With the approval of this special exception as conditioned, all regulations will be satisfied.

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Plan, the General Plan.

According to Dineene O'Connor, Project Planner for Planning Area 68, the Master Plan recommendation to retain the single-family land use designation, was based on the understanding that the medical practice was an ancillary use. She goes on to note that the requested special exception is minor in scope and does not hamper the goals and objectives of the approved Master Plan and Sectional Map Amendment.

(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.

In general the proposed use has not had adverse affects on the residents of the surrounding neighborhood. The size and appearance of the building have not changed significantly since it was used for residential purposes, and it continues to blend in with its surroundings.

However, the location and size of the parking lot has had some negative impacts on the next door neighbor. The size of the driveway is not sufficient for two-way traffic which has apparently occurred on the site, to the detriment of the neighbors' yard and fence. In addition the neighbors report water runoff problems flowing from the doctor's property to theirs, especially since the repaving and expansion of the parking lot. A curb along the neighbors' front yard has partially solved this problem. This curb should be extended along the length of the property, or the applicant should submit a water runoff study determining what steps should be taken to prevent water runoff onto the neighbors' property in a major storm event.

Based on the testimony presented at the hearing by the applicant and the City of Hyattsville staff, the Planning Board concludes that the current one-way circulation on the site provides the safest entrance to and exit from the facility. If patients were to access the facility from Queens Chapel Road, they would be at risk for rear-end collisions

- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

The structure is surrounded on three sides by a well manicured lawn in keeping with the residential nature of the street, and the proposed use will maintain the current residential appearance of the site. It is noted, however, that no screening of the property's parking lot from the adjoining residence has ever occurred. This should be remedied by an attractive wrought-iron or similar material fence, four feet in height.

- (6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

The site is exempt from the regulations of the Woodland Conservation Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board recommends that Special Exception No. 4354 be APPROVED, subject to the following conditions:

1. Prior to approval of this special exception, the applicant shall document the source for statements about the availability of suitable office space in the vicinity of the neighborhood.
2. The site and landscape plan shall be revised to show the following:
 - a. One shade tree and seven shrubs between the parking lot and Queensbury Road.
 - b. An ornamental wrought-iron fence, four feet in height, located along the east boundary of the site, or a fence of other suitable material approved by the next door neighbor, the City of Hyattsville and the Planning Board or its designee.
 - c. A detail of the proposed free standing sign including the supporting structure, with an area not to exceed two square feet.
 - d. A continuation of the curb along the neighbors' property to avoid water runoff on that site, or other method detailed by an approved water runoff study.
 - e. The installation of a metal gate on Queensbury Road similar to the gate on Queens Chapel Road and compatible with the wrought iron or similar fence, to be locked during non-business hours.
3. The improvements illustrated on the landscape plan/site plan shall be fully implemented on the subject property within 90 days of final approval by District Council.

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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 McNeill, seconded by Commissioner Boone, with Commissioners McNeill, Boone and Hewlett voting in favor of the motion, and with Commissioner Brown absent, at its regular meeting held on Thursday, January 6, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of February 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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