



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

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Departure from Parking and Loading Spaces Premier Health (Malcolm Road)

DPLS-490

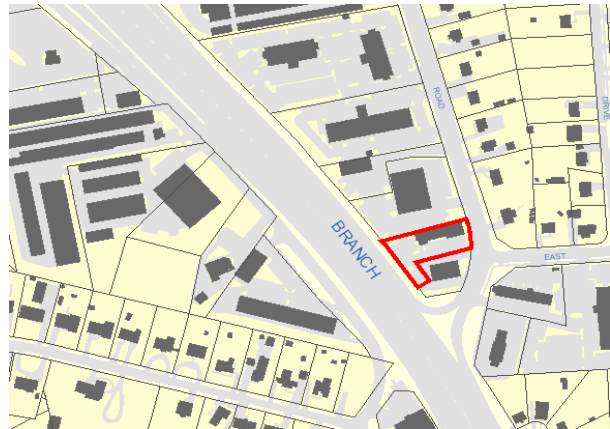
REQUEST	STAFF RECOMMENDATION
A departure from Section 27-568(a) of the Prince George's County Zoning Ordinance for a 25-space reduction in required parking spaces.	DISAPPROVAL

Location: 50 feet north of the intersection of Malcolm Road and MD 5 (Branch Avenue).

Gross Acreage:	5.90
Zone:	C-M/M-I-O
Gross Floor Area:	12,000 sq. ft.
Lots:	1
Parcels:	0
Planning Area:	81A
Council District:	09
Election District:	09
Municipality:	N/A
200-Scale Base Map:	211SE06

Applicant/Address:
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Planning Board Date:	03/10/2022
Planning Board Action Limit:	N/A
Staff Report Date:	02/18/2022
Date Accepted:	12/29/2021
Informational Mailing:	03/19/2021
Acceptance Mailing:	12/22/2021
Sign Posting Deadline:	09/22/2022

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Departure from Parking and Loading Spaces DPLS-490
Premier Health (Malcolm Road)

The Zoning staff has reviewed the above requested departure from parking and loading spaces for the subject property and presents the following evaluation and findings leading to a recommendation of DISAPPROVAL, as described in the Recommendation section of this report.

EVALUATION

This departure from parking and loading spaces was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of prior approvals.
- b. The requirements of the Prince George's County Zoning Ordinance.
- c. The requirements of the Tree Canopy Coverage Ordinance.
- d. Referral comments.

FINDINGS

- 1. **Request:** A departure from Section 27-568(a) of the Prince George's County Zoning Ordinance for a 25-space reduction in required parking spaces.
- 2. **Design Features:** The site is occupied by an existing office building and parking area. The departure seeks to reduce the overall parking requirements provided in Section 27-568(a) of the Zoning Ordinance, for an office of a medical practitioner use, by 25 spaces or 42 percent. No construction is proposed; rather, the use would be changed from a general office building to a medical practitioner's building. This use would require 60 parking spaces, necessitating the request for a departure of 25 spaces, which equals 41 percent of the required parking for an office of a medical practitioner. Premier Health is proposing a psychiatric practice with operations that resemble a general office use, as opposed to a medical office use. A medical practitioner's office would require nearly double the amount of parking than it would need as a general office use. While a floor plan was not provided to determine the internal usage of the space, the applicant stated that the day-to-day operations lack those of a typical medical office (no laboratories, no nursing staff, no

examination rooms). Therefore, the applicant has made a case to provide the parking requirements for a general office use because the parking area cannot be expanded. This departure request includes a statement of justification (SOJ), dated December 4, 2021, submitted by the applicant, and incorporated by reference herein.

Development Data Summary: The following chart summarizes the approved development for the subject property.

	EXISTING	PROPOSED
Zone	C-M/M-I-O	C-M/M-I-O
Use(s)	Office	Office of a medical practitioner
Total Acreage	5.90	5.90
Number of Lots	1	1
Gross Floor Area	12,000 sq. ft.	12,000 sq. ft.

	REQUIRED	PROPOSED
Use: Office of a medical practitioner		
Parking Spaces	60	35

3. **Location:** The property is located 50 feet north of the intersection of Malcolm Road and MD 5 (Branch Avenue) in Tax Map 107, Grid D4 and is addressed as 8023 Malcolm Road in Clinton, Maryland. The subject property is comprised of one lot in the Commercial Miscellaneous (C-M) Zone, is 26,062 square feet in area, known as Lot 6 of the Karlsson Subdivision, and is within the Military Installation Overlay Zone, with height restrictions.
4. **Surrounding Uses:** The subject site is bounded to the north by commercial properties in the C-M Zone, to the west by MD 5 (Branch Avenue), with commercial properties in the C-M Zone beyond, to the east by Malcolm Road, with residential properties in the One-Family Detached Residential Zone beyond, and to the south by commercial property in the C-M Zone, at the intersection of Malcolm Road and MD 5.
5. **Previous Approvals:** Lot 6 was previously approved via Preliminary Plan of Subdivision (PPS) 4-84015 for the Karlsson Subdivision (PGCPB Resolution No. 84-67), for which no records could be found. Reference to Lot 6 within the Karlsson Subdivision was found in the property description of the Special Warranty Deed filed on March 19, 1981, with the Land Records at Liber 5383 folio 698. The property has been subject to deed conveyances and obtained plat approval on December 11, 1980, as Karlsson Subdivision Lots 5 and 6, in Plat Book NLP 108, p. 54. The record plat does not contain any notes. The subject site is improved with an office building and surface parking, for which no development records could be found.
6. **Zoning Ordinance Parking and Loading Standards:** The applicant is seeking relief from the parking tabulations for an office of a medical practitioner use, as they claim that it actually operates more akin to a general office use. In their SOJ, Premier Health is proposing a psychiatric office on the subject site. As such, their practice does not require lab space, nursing staff, or examination rooms. According to the applicant, the proposed use will operate as a general office space for administrative and patient conference purposes. Furthermore, the site location is constricted by two converging roadways, which eliminates the ability to expand the parking area to meet the parking requirements of a medical office

use. Therefore, the applicant seeks a 25-space (42 percent) reduction to utilize the existing 35 spaces on-site. An internal floorplan was not provided to verify the operations and therefore did not provide enough information to grant approval.

Departure from Parking and Loading Spaces: When the requested departure is from the number of parking or loading spaces required, the required findings for approval are set forth in Section 27-588(b)(7)(A) of the Zoning Ordinance. The required findings are shown in **BOLD** below, with staff responses following in plain text:

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

Section 27-588(b)(7) Required Findings:

(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;

Section 27-550. Purposes

(a) The purposes of this Part 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.**

The applicant asserts that the proposed parking will be sufficient to serve the needs of the use. The SOJ suggests that most of the space in the building is not really being used as a medical practitioner's office, but staff's request for the interior floor plan was not met. Interior plans for the building would be essential to understanding how the space is used and if the departure could be supportable. Parking may overflow into residential areas, onto streets, or onto the adjacent gas station property, but users would need to cross a busy roadway in order to access the use. The applicant did not provide a parking study or reasonable alternative parking locations off-site

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

There does not appear to be an opportunity to add parking, either through constructing more parking, or restriping, and the 35 existing parking spaces are the only spaces that could be provided on-site. For the proposed use, the applicant is requesting a departure of 25 parking spaces, a 42 percent reduction. The applicant states that 25 patients will be dropped off each day and 8 employees will occupy the 12,000-square-foot building. Given the request, this would be the minimum needed.

(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;

Aerial photos indicate that the building was developed between 1977 and 1980. No other approvals or records could be located. The applicant suggests that most of the space in the building is not being used as a medical practitioner's office. As of the date of this referral, no floor plans that demonstrate the operational layout of the business or show that this medical practice is special and merits a departure of this size, have been provided. The applicant must understand that once a departure of this size for this use is granted, that departure stays with the property. There will need to be some matter of uniqueness to the operations and functionality of the use that staff can verify before a favorable recommendation can be provided.

(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

The applicant believes that a general office, not a medical practitioner's office, should be the basis for parking calculations. The psychiatric office is not a specific use in the Table of Uses and must therefore be categorized as a medical practitioner's office. Such a use would require 60 parking spaces based on the need for employees (nurses, doctors, lab staff) and patients. As described in the SOJ, the proposed psychiatric office does not require the need of laboratory or nursing staff and would operate at a lower capacity than that described in the definition of a medical practitioner's office. Unless the applicant can demonstrate that the use is misidentified, computations must be based on the medical practitioner's use. If the applicant can identify a similar site with a use that operates in a similar way to the proposed use, or other credible and published data that demonstrates that the proposed on-site parking will meet the demand of the new use, such information might bolster the applicant's case for the departure.

(v) Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.

There is an adjacent residential community. It does not appear that parking demand would overflow into that community because users would need to cross a busy roadway in order to access the use, but this does not preclude the possibility of using additional spaces at the adjacent gas station with a legal agreement. The area immediately surrounding the site does not offer on-street parking locations or adjoining properties that could handle overflow traffic.

(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;

There are no on-street parking spaces available in the vicinity of the subject property and there are no public parking areas within 500 feet of the site. Adjacent commercial properties have limited parking that serve those individual uses.

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

The subject site is located within the boundaries of the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*, which recommends commercial office land uses on the subject property

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

The property is not located within the limits of a municipality. As a result, the above finding is not applicable to the review of the application.

(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 within the Prince George's County Capital Improvement Program in the general vicinity of the subject property.

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

(i) Public transportation available in the area;

A bus stop exists approximately 1,500 feet from the subject property, at the intersection of Malcolm Road and Old Alexandria Ferry Road.

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

There are no alternative design solutions to existing off-site facilities that would reasonably deliver more spaces.

(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 subject site is adjacent to MD 5 on the west, with commercial automotive repair shops to the north. There is a gas station immediately to the south, with a car wash beyond Malcolm Road. Lastly, there are residential dwellings to the west, beyond Malcolm Road, as well.

According to the applicant's SOJ, the hours of operation will be 8:00 a.m. to 5:00 p.m. The office would contain approximately 4–5 practitioners and 14–20 patients that will arrive by appointment only for scheduled day programs, the majority of which will be dropped off for group sessions.

(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 property is located in the C-M Zone and does not propose the development of multifamily dwelling units. As a result, the above finding is not applicable to the review of the subject application.

Based on the preceding analysis, staff determined that the required findings for approval set forth in Section 27-588(b)(7)(A) are not met for DPLS-490.

7. Referrals: The relevant comments submitted from referred agencies for this application were included in this technical staff report. The following referral memorandums were received, and are incorporated by reference herein:

- Urban Design Section, dated February 7, 2022 (Zhang to Sievers)
- Historic Preservation Section, dated January 3, 2022 (Stabler to Sievers)
- Community Planning Section, dated January 13, 2022 (Tariq to Sievers)
- Transportation Planning Section, dated February 9, 2022 (Masog to Sievers)
- Environmental Planning Section, dated January 4, 2022 (Kirchof to Sievers)
- Permit Review Section, dated January 31, 2022 (Jacobs to Sievers)

RECOMMENDATION

In summary, staff found that insufficient information has been provided in support of the findings required for approval of the departure from parking and loading spaces. Staff strongly recommends that the justification be amended to (a) provide interior floor plans that corroborate with the operations of the business as described to understand how the space is being used, (b) identify a similar site with a use that operates in a similar way to the proposed use so that parking needs at the similar site can be understood and compared to the request, or other credible and published data that demonstrates that the proposed on-site parking will meet the demand of the new use, and (c) provide the measures that will be taken to prevent patrons from parking on the adjacent commercial gas station property or other nearby properties.

Based upon the foregoing evaluation and analysis, Zoning staff recommends that the Planning Board DISAPPROVE Departure from Parking and Loading Spaces DPLS-490 for Premier Health (Malcolm Road). If the board so chooses to approve the case at this time, staff recommends the following conditions:

1. Prior to certification of the departure, the applicant shall provide the following:
 - a. Interior floor plans that corroborate with the operations of the business, as described, to understand how the space is being used.
 - b. Identification of a similar site with a use that operates in a similar way to the proposed use so that parking needs at the similar site can be understood and compared to the request, or other credible and published data that demonstrates that the proposed on-site parking will meet the demand of the new use.
 - c. A description of the measures that will be taken to prevent patrons from parking on the adjacent commercial gas station property or other nearby properties.
2. Prior to certification of the departure, the site plan shall be revised to include:
 - a. A loading space with dimensions and an appropriate setback.
 - b. Handicap- and handicap van-accessible spaces need to be labeled and dimensioned.
 - c. Label each compact space and provide typical dimensions on the plan. Each compact space needs to be labeled, but each space does not need to be dimensioned.
 - d. Provide typical dimensions for standard parking spaces on the plan. Not all spaces need to be dimensioned; there should be at least one space dimensioned to represent the standard spaces.
 - e. Drive-aisle widths need to be added to the plan.
 - f. Add the street connection width to the plan.
 - g. The plan submitted is Sheet 1 of 2 only. The landscape plan plant list and appropriate schedules are missing from the submission.