

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed DPLS-325 requesting a Departure from Parking and Loading Standards for eight 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 December 20, 2007, the Prince George’s County Planning Board finds:

A. **Location and Field Inspection:** The subject site is located in the northeast quadrant of the intersection of Edmonston Road and Chesapeake Road in Edmonston. The site, also known as 4815 Edmonston Road, is currently improved with a two-story, 5,600-square-foot brick structure, parking lot and shed. Access to the site is via a single two-way driveway from Chesapeake Road. A three to four-foot-high chain-link fence surrounds the property along the north, south and west property lines. The existing/proposed fence height and materials should be identified on the site plan in addition to the landscape plan.

B. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	C-O	C-O
Use(s)	Office	Church
Acreage	0.33	0.33
Parcels	1	1
Square Footage/GFA	5,600	5,600

C. **History:** The structure was originally constructed in 1980 as an office building. Variance Appeal No. 5392 was granted by the Board of Appeals in 1979 for a variance of two feet from the ten-foot landscape yard requirement along Chesapeake Avenue, and for three feet from the ten-foot landscape yard adjoining the parking lot along Edmonston Road. Site plan note 17 incorrectly states that variances were granted to waive the ten-foot landscape strip along Edmonston Road and the eight-foot landscape strip along Chesapeake Road. It further states that parking was approved up to the rear property line and that a six-foot-high stockade fence was approved along the rear property line. This note must be removed from the plan. In addition, notes 13 and 18, which correctly state the approved variances, are duplicates; therefore, note 18 should be removed and replaced with a note that states: “No more than 96 congregants, including children, shall occupy the building at one time.” The building has been used as a church by the current owner since February 2000.

D. **Master Plan Recommendation:** The *1994 Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* recommends public/quasi-public land use. The 1994 sectional map amendment (SMA) retained the C-O Zone

for this site. The site had been rezoned in 1950 from the R-55 to the C-1 Zone. In 1982, the property was rezoned from the C-1 to the C-O Zone in the SMA. The applicant's statement of justification incorrectly states that the master plan area for the subject property is "The Heights."

**2002 General Plan:** The subject site is located in the Developed Tier where the vision is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.

- E. **Request:** The applicant seeks approval to waive eight out of 24 required parking spaces, for a total of 16 parking spaces. The applicant also requests alternative compliance (AC-08025) from Sections 4.2 (Commercial and Industrial Landscape Strip) and 4.7 (Buffering Incompatible Uses) of the *Prince George's County Landscape Manual*. Alternative compliance is requested from Section 4.2 to validate an existing sidewalk within a required landscape strip along Chesapeake Road; alternative compliance is requested from Section 4.7 to provide a planted bufferyard along the eastern and southern property lines which abut residential uses.

F. **Surrounding Uses:**

**North:** Vacant lot and further north, the Salvation Army in the R-R Zone

**South:** Across Chesapeake Road, a restaurant in the C-A Zone

**East:** Single-family dwelling in the R-55 Zone

**West:** Across Edmonston Road, single-family detached homes in the R-55 Zone

The neighborhood is characterized by modest single-family detached homes with sporadic commercial uses along Edmonston Road.

- G. **Departure from Parking and Loading Standards (DPLS 325):** Section 27.568(a)(5)(C), Schedule of Parking Spaces, of the Zoning Ordinance requires one parking space for every eight seats. The church use requires a total of 24 parking spaces. The applicant is providing 16 parking spaces and requesting a departure for eight parking spaces.

**Required Findings**

Section 27-588(b)(7)(A) of the Zoning Ordinance provides that 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 the Parking Regulations 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 Regulations will be served by the applicant's request. The purposes seek, among other things, to provide parking areas sufficient to serve the needs of the use and to aid in relieving traffic congestion on the streets by reducing the use of public streets for parking and loading. The existing building, which was previously permitted for an office use, has an existing parking area located in the rear of the building. There are 16 striped parking spaces, although they are not dimensioned to current standards. The amended site plan identifies a total of 16 parking spaces (provided in accordance with current standards) including one handicap van accessible space.

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

The building and parking area currently exist. There is no feasible or practical way to provide any additional parking on-site. The departure is the minimum necessary.

- (iii) The departure is necessary in order to alleviate circumstances that are special to the subject use, given its nature at this location, or to alleviate circumstances that are prevalent in older areas of the county that were predominantly developed prior to November 29, 1949;

As previously mentioned, the building and parking area are existing. The applicant is attempting to maximize the amount of parking provided on-site to reduce any potential impact on on-street parking. For these reasons the departure is necessary to alleviate circumstances which are special to the subject use given its nature at this location.

- (iv) All methods for calculating the number of spaces required have either been used or found to be impractical; and

The applicant has applied the correct method for calculating the number of spaces required. No other parking standard can be applied in this case.

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

The parking and loading needs of the adjacent residential areas will not be infringed upon if the departure is granted. The residential properties within proximity to the subject property have sufficient on-street parking so that a departure of eight parking spaces will not create a problematic situation for the neighborhood. During the field visit, staff interviewed a staff person from the adjacent restaurant and several residents who live along Chesapeake Road. The residents did not indicate there had ever been a problem parking along the street, even when the church was in session. The restaurant worker indicated that only at one time, when there was a reunion at the church which included a larger-than-usual gathering, some church members attempted to use the restaurant parking lot. With this one exception, the restaurant has not experienced a problem with congregants parking in their lot or in the immediate area.

Section 27-588(b)(7)(B) provides that 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 applicant does not anticipate the use of available parking on adjacent properties by its congregants. The Salvation Army and the adjacent restaurant have sufficient on-site parking so that it is not necessary for their patrons or workers to park along the street. It is noted that the church services are conducted on Saturdays, when there is less competition for available on-street parking by nearby churches and residents.

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

The property is located in an area identified in the 2002 General Plan as the Developed Tier and is in conformance with that vision. The Community Planning Section, in a memorandum dated June 9, 2008, indicated that the application is also in conformance with the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity*.

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

The subject property is not within a municipality, although it lies within one mile of Riverdale Park, Cheverly, Edmonston, Cottage City, Bladensburg, Colmar Manor and Hyattsville. The Town of Edmonston responded to the referral with a "No Comment." There were no other responses from the municipalities.

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

Section 27-588(b)(7)(C) provides that in making its findings, the Planning Board may give consideration to the following:

- (i) Public transportation available in the area;

The subject property is within a developed area in the county and public transportation is available. The applicant indicated in the statement of justification that public transportation is available to the area, and that bus stops are located in the vicinity of the subject property. The applicant has not provided documentation as to the location of the nearest bus stops or the availability of bus service during the times the church holds services; however, in its memo of August 20, 2008, the Transportation Planning Section indicated bus service is available along Edmonston Road and MD 201. The statement of justification also indicates that the church is considering the provision of a van or bus service to facilitate transportation during inclement weather or for those who cannot walk to the church.

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

The applicant initially requested a departure from design standards to allow only compact parking spaces in the parking area, which would have resulted in a net gain of a single parking space. The Board is of the opinion that the provision of all compact-size parking spaces would create a greater adverse impact than having one less parking space. Any congregant with a vehicle larger than a compact size would be forced to park on the street, or they would possibly try to park in the compact spaces creating maneuvering problems. Therefore, the alternative design solution to yield one additional space was not found to be feasible or practical. The applicant has exhausted all reasonable methods to provide additional parking on-site.

- (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 applicant has not provided the hours of operation, although the Seventh Day Adventists hold services on Saturday rather than Sunday.

- (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.

H. **Referral Comments:** The Transportation Planning Section, in its August 2008 memo, did not identify any significant transportation issues that might arise should the requested departures be granted. They did, however, recommend that church parking be permitted only on one side of Chesapeake Road. Because Chesapeake Road is maintained by the County, this recommendation would be subject to approval by the Department of Public Works and Transportation.

I. **Alternative Compliance (AC-08025):**

Section 27-564—Landscaping, screening and buffering:

Although there is no additional square footage proposed beyond what currently exists on the site, landscaping requirements shown on the approved permit plans for the previous office use on the subject property were never implemented. For this reason, the site is subject to the provisions of the *Prince George's County Landscape Manual*.

The proposed development is subject to Sections 4.2 (Commercial Landscape Strip Requirements), 4.3 (Parking Lot Requirements) and 4.7 (Buffering Incompatible Uses) of the Landscape Manual. The applicant has met Landscape Manual requirements for Sections 4.2 and 4.3(a) along the northern and eastern property lines, adjacent to Edmonston Road and Chesapeake Avenue.

The applicant is requesting alternative compliance pursuant to Section 4.2 to validate an existing four-foot wide sidewalk in a required landscape strip along Chesapeake Road. The applicant is also requesting alternative compliance from Section 4.7 along the southern and eastern property lines where the subject site abuts single-family homes.

The Alternative Compliance Committee recommended approval of the applicant's request, based on the following findings:

“The application does not meet the strict requirements of Section 4.7, Buffering Incompatible Uses, along the southern and eastern property line that is adjacent to single-family residential dwelling. Due to the narrowness of the site, and its existing condition that predates the *Prince George's Landscape Manual*, it is impractical for the applicant to meet the *Prince George's Landscape Manual* bufferyard requirements for a church adjacent to single-family dwellings. Along the eastern property line, the applicant is proposing to provide an eight-foot-wide landscape strip with 106 plant units and a six-foot-high vinyl fence along the entire length. Because of the lack of space along the eastern property line, the application proposes an additional 23 plant units along the Edmonston Road frontage. The total number of proposed plant units is 45% in excess of what is required by the *Prince George's Landscape Manual*. On the south side of the property line, the applicant is proposing to provide a 12-foot-wide landscape yard with a

six-foot-high vinyl fence, including 81 plant units. The total number of proposed plant units is 35% in excess of what is required by the *Prince George's Landscape Manual*. Since the total number of plant units proposed by the applicant in excess to the amount which is required by the *Prince George's Landscape Manual*, the Alternative Compliance Committee finds this alternative to be equal or better than normal compliance of the *Prince George's Landscape Manual*.

“RECOMMENDATION:

The Alternative Compliance Committee recommends Approval of Alternative Compliance AC-08025 pursuant to Section 4.7 of the *Prince George's County Landscape Manual* for the reduction in building setback and the landscape yard along the southern and eastern property lines, and includes the validation of the four-foot-wide existing concrete sidewalk located within the landscaping strip along Chesapeake Road.”

**CONCLUSION:** The applicant has satisfied all requirements pertinent to obtaining the requested departure from parking and loading standards.

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 recommended APPROVAL the above-noted application, and further approved Alternative Compliance No. AC-08025 subject to the following conditions:

1. Prior to certificate approval, the site plan shall be revised as follows:
  - a. Delete note 17 which incorrectly refers to the variances approved in 1979.
  - b. Delete note 18 which is a duplicate of note 13.
  - c. No more than 96 congregants, including children, shall occupy the building at one time.
  - d. The existing/proposed fence height and materials shall be identified on the site plan in addition to the landscape plan.
2. Church parking shall be permitted only on the north side of Chesapeake Road, subject to approval by the Department of Public Works and Transportation.

The Board further recommends APPROVAL of AC-08025.

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 Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Cavitt and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, October 30, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of November 2008.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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