



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Departure from Parking and Loading Standards DPLS-349

Application	General Data	
<p>Project Name: SDS Square Condominiums</p> <p>Location: Located approximately 750 feet north of the intersection of Old Branch Avenue and Coventry Lane</p> <p>Applicant/Address: Council of Unit Owners of SDS Square Condominiums, Inc. 616 E. Charles Street La Plata, MD 20646</p> <p>Property Owner: Council of Unit Owners of SDS Square Condominiums, Inc. 616 E. Charles Street La Plata, MD 20646</p>	Planning Board Hearing Date:	03/25/10
	Staff Report Date:	03/08/10
	Date Accepted:	09/22/09
	Planning Board Action Limit:	N/A
	Plan Acreage:	2.678
	Zone:	C-M
	Gross Floor Area:	61,336 sq. ft.
	Lots:	N/A
	Parcels:	N/A
	Planning Area:	81A
	Tier:	Developing
	Council District:	09
	Election District:	09
	Municipality:	N/A
200-Scale Base Map:	210SE06	

Purpose of Application	Notice Dates	
A request for a Departure of 45 parking spaces from the 227 parking space requirement per the Zoning Ordinance.	Informational Mailing	06/22/09
	Acceptance Mailing:	09/16/09
	Sign Posting Deadline:	02/25/10

Staff Recommendation		Staff Reviewer: Ivy R. Thompson	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
		X	

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Zoning Supervisor

FROM: Ivy R. Thompson, Senior Planner, Zoning Section

SUBJECT: **Departure from Parking and Loading Standards DPLS-349**

REQUEST: **Departure of 45 parking spaces from the 227 required number of parking spaces, based upon the uses located on the property.**

RECOMMENDATION: **DISAPPROVAL**

NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date of March 25, 2010. The Planning Board also encourages all interested persons to request to become a person of record for this application.

Requests to become a person of record should be made in writing and addressed to The Maryland-National Capital Park and Planning Commission, Development Review Division, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please call 301-952-3530 for additional information.

FINDINGS

A. **Location and Field Inspection:** The property is located at 7700 Old Branch Road in Clinton, approximately 750 square feet north of the intersection of Old Branch Avenue and Coventry Way. The site comprises 2.68 acres of land in the C-M (Miscellaneous Commercial) Zone and is located in Planning Area 81A of Subregion V. The property is currently improved with a 7,023-square-foot building which is currently vacant. The property has two driveways with ingress and egress to Old Branch Road.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-M	C-M
Use(s)	Medical and general office	Medical and general office
Acreage	2.68	2.68
Lots	1	1
Parcels	N/A	N/A
Square Footage/GFA	7,023	7,023

C. **History:** The 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* retained the existing C-M Zone for the subject property. The property was improved in the mid-1980s as a series of business condominium buildings. At the time the project was constructed, the parking requirements were determined using a mix of medical office and general office uses. Now many of the original business office uses have converted to more service-oriented businesses including additional medical offices, salons, and boutiques. All of which generate a higher parking requirement.

D. **Master Plan Recommendation:** The property is located in an area identified in the 2002 *Prince George’s County Approved General Plan* as the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier. One of the goals of the Developing Tier section of the General Plan is to, “Reinforce planned commercial centers as community focal points.” (p 37) This application is in conformance with the land use recommendations of the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment*.

E. **Request:** The applicant is requesting a departure of 45 parking spaces from the required 227 parking spaces in the Zoning Ordinance to reflect the mix of the uses currently on the property. The site plan submitted by the applicant shows 187 current parking spaces, which is 40 less than the 227 parking space requirement per the Zoning Ordinance.

F. **Surrounding Uses (refer to the zoning map):**

North— An unoccupied AMF Bowling Alley zoned C-M.

South— Commercial shopping center uses, including a grocery store, restaurants, and other commercial retail uses zoned C-S-C (Commercial Shopping Center).

East— Branch Avenue (MD 5).

West— Across Old Branch Avenue are C-M-zoned properties with restaurants.

G. Design Requirements:

1. **Number of Required Parking and Loading Spaces:** Section 27-568(a)(6) of the Zoning Ordinance requires one parking space for every 200 square feet of gross floor area (GFA) for medical practitioners office/medical clinic; one parking space for every 250 square feet of GFA for general office for the first 2,000 square feet and one parking space for every 400 square feet of GFA for general office with an occupancy over 2,000 square feet; and one parking space for retail for the first 3,000 square feet of GFA and one parking space for every 200 square feet of GFA for retail occupancy above 3,000 square feet. A minimum of 227 parking spaces are therefore required. The site plan shows a total of 187 parking spaces. Therefore, a departure from the parking and loading spaces requirements is needed. The plan is deficient by 40 parking spaces from the requirement, but the applicant has requested a departure for 45 parking spaces.
2. **Prince George's County Landscape Manual:** The site is exempt from the *Prince George's County Landscape Manual* since no new building or outdoor parking areas are to be constructed.
3. **Signs:** No freestanding signs are proposed for the subject use. Any sign that will be placed on the property must meet all area, height, and setback requirements.

H. Required Findings:

Section 27-588(b)(7) 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 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 not 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 applicant proposes the departure as a means of serving the current and future tenant mix, which is becoming more heavily weighted toward retail/professional office uses and less toward medical/general office uses. The applicant requests a departure of 45 parking spaces to allow for flexibility in leasing the condominium spaces. While a parking analysis was not conducted, the applicant has provided photographic documentation that parking at the subject site is underutilized. However, multiple site visits conducted by The Maryland-National Capital Park and Planning Commission (M-NCPPC) staff noted a higher usage of parking.

M-NCPPC Transportation and Zoning staff conducted multiple field checks of the facility from the standpoint of parking utilization. Site visits by Zoning Section staff were conducted on Monday, November 2, 2009 at 11:30 a.m. and on Friday, January 14, 2010 at 1:30 p.m. during which time staff noted a higher level of usage at each visit.

Transportation Section staff noted the following as part of their evaluation of the site:

- The 2007 aerials on PGAtlas indicate that 53 of 187 parking spaces are vacant, a utilization of 72 percent. This is strictly a random observation; the date and time of the photograph is not known.
- Transportation Section staff conducted field checks of the site on Thursday, October 1, 2009. An initial observation was made at 10:50 a.m. and a second observation was made at 11:40 a.m. At 10:50 a.m., 28 parking spaces were vacant, two spaces were occupied by a dumpster, and two vehicles were illegally parked. At 11:40 a.m., 18 spaces were vacant, three vehicles (including a school bus) were illegally parked, and the dumpster was still there. Given the number of parking spaces available and the number of vehicles parked on the site, there was 86 percent utilization at 10:50 a.m. and 92 percent utilization at 11:40 a.m.
- Transportation Section staff conducted additional field checks of the site on Thursday, February 4, 2010. Separate observations were made at 12:00 noon and 1:00 p.m. At 12:00 noon, 47 parking spaces were vacant, two spaces were occupied by a dumpster, and two vehicles were illegally parked. At 1:00 p.m., 57 spaces were vacant, no vehicles were illegally parked, and the dumpster was still there. Given the number of parking spaces available and the number of vehicles parked on the site, there was 75 percent utilization at 12:00 noon and 70 percent utilization at 1:00 p.m.

The applicant has submitted photographic evidence that adequate parking spaces are provided to meet the parking needs for the proposed uses. The applicant submitted photo documentation dated November 16–20, 2009, between the hours of 9:30 a.m. and 4:30 p.m., and December 14–18, 2009, between the hours of 11:00 a.m. and 4:30 p.m. to support the justification statement that actual usage of the parking spaces on the property is less than what is currently provided on the property. The applicant also cites the use of alternative modes of transportation, such as Metrobus C-13 and Prince George's County's The Bus, Route 32, that provide transit service to the subject property.

While there are no residential areas proximal to the subject site, the site is adjacent to commercial properties to the north and south, each of which has sufficient and well-utilized parking. It is apparent that patrons of this site who do not find parking would go to another adjacent private property to park. Thus, nearby properties are likely to be affected by the proposed departure.

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

Comment: The departure is not the minimum necessary. As stated previously, a minimum of 227 parking spaces is required. Section 27-559 of the Zoning Ordinance allows the applicant to have 75 compact parking spaces. Of the 187 parking spaces shown on the site plan, only 60 are labeled as compact spaces. The applicant has not utilized 15 possible compact spaces. The calculations to determine the minimum departure necessary are illustrated below:

- 75 possible compact spaces
-60 existing compact spaces
15 possible compact spaces
- 187 existing parking spaces
+15 possible compact spaces
202 possible parking spaces
- 227 minimum required parking spaces
-202 possible parking spaces
25 minimum required parking spaces for a departure from parking and loading standards

The actual minimum departure from parking and loading standards necessary is 25 parking spaces. Staff believes that the applicant should provide as many parking spaces as possible using the standards set forth in the parking regulations of the Zoning Ordinance.

There are no residential areas proximal to the subject site. The site is bounded by existing commercial development at the northern and southern property lines, both of which have sufficient and well-utilized parking. Major thoroughfares bound the development on the east and west, and there are no plans to improve or expand public transportation options in the immediate future.

(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;

Comment: The departure is not necessary in order to alleviate circumstances which are special to the subject use. The applicant cites three major factors as to why the departure for 45 parking spaces is necessary: (1) most of the medical offices on the property are used as satellite offices for general office purposes; (2) small office condominiums use fewer parking spaces than standard office buildings; and (3) patrons of the businesses located on the subject property use alternative modes of transportation, such as public

transportation, all of which lends itself to the approval of the requested departure. The Zoning Ordinance has established a minimum number of parking spaces required based upon the type of use on the property. Section 27-568(a)(6) of the Zoning Ordinance requires:

Type of use	Number of spaces	Unit of Measurement (in square feet)
Medical Office	1	200
General Office	1	250 for first 2,000
	1	400 over 2,000
Retail	1	First 3,000
	1	200 over 3,000

A departure from parking and loading standards, generally, is a means to provide relief from the strict application of the Zoning Ordinance when a property has unique characteristics that make compliance with the standard impractical at that particular location. Staff is unable to find any circumstances, which are special to the use, given its nature at this location. Staff believes the applicant’s argument could be applied to many properties. The Zoning Ordinance does not address parking space usage based on the time of day or the day of the week. The requirement is generic in application so that it can be applied to all areas of the County, including those developed prior to November 29, 1949.

Despite the nature and physical limitations of this site which is surrounded by existing commercial development, the departure is not necessary in order to alleviate circumstances which are special to the subject use.

(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

Comment: All methods of calculation have not been fully applied to this application. While Section 27-572 of the Zoning Ordinance, which allows a 20 percent maximum reduction for the joint use of a parking lot, does not apply because the property is a medical office condominium, the applicant can maximize the number of compact parking spaces allowed per Section 27-559. The current site plan shows only 60 of the 75 compact parking spaces allowed. The applicant has not taken advantage of a method for calculating parking spaces that would lessen the total number of parking spaces necessary for the departure.

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

Comment: The applicant submits that the parking and loading needs of the residential areas will not be infringed upon if this request is granted. This center is located approximately 750 feet from Coventry Lane, the nearest residential street. It is not likely that a client would park on residential streets and walk to this site. It is more likely that a client would park at one of the adjoining commercial properties and walk over. Thus

residential streets will not be impacted, but the adjoining commercial properties will be negatively impacted.

(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;**

Comment: The area within 500 feet of the subject property is characterized by commercial uses. The adjoining and nearby 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.

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

Comment: The commercial land use associated with this application is consistent with the commercial land use recommendations of the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment*. The proposed uses are consistent with the plan recommendations and will not impair the integrity of the master plan.

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

Comment: This subject property is not within a municipality. There are no comments or recommendations submitted by a municipality.

- (iv) Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.**

Comment: 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;**

Comment: The justification statement indicates that "there are a variety of public transportation options for accessing the property," and concludes that the quality of transit service is further justification for granting the departure. In fact, the Metrobus C-13 service does not operate between the hours of 8:02 a.m. and 4:43 p.m. It is strictly a weekday peak period service and does not operate on the weekends. Prince George's County's The Bus, Route 32, does operate every 30 minutes each weekday serving the Naylor Road Metrorail station. This amount of service is certainly not "a variety of public transportation options." The single bus route that operates every 30 minutes connects to a Metrorail station after a trip of 8.15 miles and 36 minutes. There are no plans in the immediate future to alter the schedules of these bus routes.

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

Comment: The applicant can restripe the parking lot to maximize the number of compact parking spaces allowed. Transportation Section staff also recommended relocating the dumpster and school bus, which were both using multiple spaces. Another alternative is to restripe the parking lot and request an increase in the number of compact parking spaces allowed.

(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;

Comment: The parking demands will be unchanged regardless of the hours of operations. There will be no disruption to traffic flow or parking conditions on the surrounding streets resulting from the proposed uses. The proposal will affect the nature and hours of operation of other commercial/retail uses within 500 feet of the subject property if the departure is granted.

(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.

Comment: The subject property is in the C-S-C Zone; therefore, the above section is not applicable.

CONCLUSION

Given the analysis and observations of the subject property by Planning Department staff, there is not enough evidence to support a departure for 45 parking spaces. The actual minimum departure from parking and loading standards necessary is 25 parking spaces. The applicant is not currently maximizing the number of parking spaces available to them per the parking regulations of the Zoning Ordinance. In fact, the applicant's statement of justification acknowledges staffs' assessment of the need to increase the number of compact spaces on the site, ". . . Americans are gravitating to smaller, more fuel-efficient automobiles. These smaller automobiles lend to increasing the number of compact spaces on the Applicants site plan and site."

Staff is not persuaded that there are special circumstances that are unique to this location. If, as the applicant contends, the existing medical uses are used as satellite offices for general office purposes, then staff would find that these medical uses should be shown on the site plan as "general office" uses, which are subject to a standard of one parking space per 250 square feet instead of "medical office" at one parking space per 200 square feet. Doing so will reduce the number of spaces required for that use. Also, the applicant can restripe the parking lot to adjust for the maximum number of compact parking spaces permitted. This will increase the number of possible parking spaces. Both actions will reduce the minimum required parking spaces for a departure from the parking and loading standards.

Aerial photos from PGAtlas indicate 72 percent of the parking is being used. The aerial photos are consistent for the years 1993–2007. The photographic documentation submitted on behalf of the applicant shows a lot that is more than half empty, and contrasts the multiple field observations conducted by staff, who noted a higher level of parking use. There are alternative modes of transportation available, The Metrobus C-13 and The Bus, Route 32, within 50 feet of the subject property. The Metrobus C-13 has no service between 8:00 a.m. and 4:45 p.m., and The Bus, Route 32, provides service every 30 minutes to the subject property. Both only operate Monday through Friday and neither offers the type of parking relief sought by the applicant. The applicant has not provided any other documentation, such as a parking analysis, beyond the photographs to support their claim that parking at the subject property is underutilized.

Therefore, based on the preceding analysis and findings, it is recommended that the Planning Board DISAPPROVE Departure from Parking and Loading Standards DPLS-349, a request for a waiver of 45 parking spaces from the required 227 parking spaces.