

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed Departure from Parking and Loading Standards Application No. DPLS-433, George Kalonturas Property, requesting a departure for the two required 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 February 2, 2017, the Prince George’s County Planning Board finds:

A. **Location and Field Inspection:** The property, 5410 Spring Lane, Riverdale Park, Maryland, is located on the north side of Spring Lane, approximately 120 feet east of Kenilworth Avenue and (MD 201). The site comprises 0.125 acres of land in the One-Family Detached Residential (R-55) Zone. The property is currently improved with a two-story 2,500-square-foot single family residence, which is proposing an accessory use as a chiropractor’s office. The front and rear of the property is paved. Access to the property is via an existing 13-foot driveway located in the right-of-way along Spring Lane, which narrows into a 9-foot drive aisle to access an existing three-car garage at the rear of the property.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-55	R-55
Use(s)	Single-Family Residence	Single-Family Residence
Acreage	5,842	5,842
Lot	1	1
Square Footage/GFA	2,500	2,300/200

C. **History:** The subject property, Lot 3, Block 1, was developed as part of the Springbrook Terrace (September 1936) residential subdivision. The building, constructed in 1946, is identified by the Maryland State Assessment Database as an office building. Per the Statement of Justification, the property was previously used as an insurance office. The previous commercial use was not legally validated. There are no previously approved permits for the property.

D. **Master Plan Recommendation:** This application is consistent with the 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68*, which retains this property in the One-Family Detached-Residential Zone, with the land-use recommendations for single-family detached housing for the subject property. *Plan Prince George’s 2035* identifies the subject property in the Riverdale Park Station Neighborhood Center. Neighborhood Centers are “primarily residential areas that are often lower in density. These areas generally have fewer transit option[s] and offer neighborhood-serving retail and office uses.”

E. **Request:** The applicant proposes to use 200 square feet of this residential property for a chiropractor's office, which requires two parking spaces and is subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The applicant requests a departure from all the required parking requirements and a departure from Sections 4.2, Requirements for Landscape Strips Along Streets, and Section 4.7, Buffering Incompatible Uses, of the Landscape Manual requirements. The site does not meet the design requirements for the required 22-foot driveway entrance or site circulation. All on-site parking is only accessible via an existing driveway entrance from Spring Lane. The site is developed such that there is no ability to provide off-street parking and adequate on-site vehicular circulation. Therefore, the applicant is requesting a departure of the two required parking spaces per the Zoning Ordinance requirement because the access to the parking is located within the right-of-way. As the result of a denied alternative compliance application, the applicant is seeking relief from Section 4.2 Landscape Manual requirement for the requirement of a 24-foot-long and a 10-foot-wide landscape strip and Section 4.7 Landscape Manual requirement for the requirement of a 20-foot-wide landscape strip along the 100-foot-long eastern boundary of the site adjacent to the commercial (legal) offices.

F. **Surrounding Uses:** The Springbrook subdivision is developed with both residential and commercial uses. The property is located on the north side of Spring Lane, approximately 120 feet west of its intersection with Kenilworth Avenue. The area is largely developed with residential and commercial/office uses.

North— Multifamily Residence Zoned R-10.

South— R-55 zoned property, developed with single-family residences.

East— C-O zoned property used for legal offices and Kenilworth Avenue (MD 201).

West— R-55 zoned property, developed with single-family residences.

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 100 square feet of gross floor area for medical office uses. A minimum of two parking spaces are required. The subject site is fully developed and the only available parking is located within the right-of-way located at the front of the property or at the rear of the property.

Parking, whether accessed or located within the public right-of-way, is not allowed to be counted toward the required parking. The Prince George's County Zoning Ordinance did not address parking in the right-of-way prior to 1974. The house was built in 1946 and parking was permitted in the right-of-way per the pre-1974 standards. However, because of the expanded use of the building, the site must now comply with the current Zoning Ordinance standards. As such, the site plan is deficient two required parking spaces.

Therefore, a departure from the parking space requirement is necessary. The applicant has requested a departure for two parking spaces.

The existing neighborhood is extensively developed. All available parking is accessible only within the right-of-way or at the rear of the property. Section 27-563 of the Zoning Ordinance requires a 22-foot-wide driveway connection to the street. Both the subject site and any available on-site parking is only accessible via an existing 30-foot-wide driveway entrance from Spring Road which is in the right-of-way and narrows into a nine-foot drive aisle to access residential parking at the rear of the property. The subject site is developed such that there is no ability to provide adequate on-site vehicular circulation or off-street parking.

2. **Prince George's County Landscape Manual:** The site is not exempt from the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The applicant has requested a departure from design standards pursuant to Section 1.3(f) of the Landscape Manual, which provides that if compliance with the Landscape Manual is not possible and there is no feasible proposal for alternative compliance, the applicant may seek relief by applying for a Departure from Design Standards in accordance with Section 27-239.01 of the Zoning Ordinance. The applicant has previously applied for Alternative Compliance (AC-15020) for relief from the requirements of Section 4.2, Requirements for Landscape Strips Along Streets, along Spring Lane and Section 4.7, Buffering Incompatible Uses, along the western and eastern property lines and the application was denied for the Section 4.2 strip along Spring Lane and the Section 4.7 strip adjacent to the single-family home to the east.
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:**

Departure from the number of Parking and Loading Spaces required:

Section 27-588(b)(8) 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;**

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 and loading regulations will be served by the applicant's request. The applicant will operate an appointment only based medical practice. The purposes seek to ensure sufficient parking and loading areas to serve the needs of the established use 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 needs and uses of the property.

The paved front "yard" has existed since the 1970's, when the building on the adjacent property (zoned C-O) to the east was constructed. The review of aerial photos from 1977 through 2014 are consistent in the use of paved front as a parking area. The subject property is surrounded by fully-developed land. There is no room for expansion. The applicant has proposed providing landscaping in the right-of-way along Spring Lane to reestablish the residential character of the subject property. The subject property is in an area that is served by public transportation that includes the T14 and R12 Metro Bus routes and is within walking distance of the planned Purple Line. Thus, nearby properties are not likely to be affected by the proposed departure.

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

The departure is the minimum necessary, since only two spaces are required. The property was subdivided in 1936 and the house built in 1946, per aerial photos it appears that the site was redeveloped in the 1970's as part of the development of the adjacent property to the east, which was done per the existing 1970 development standards and parking requirements. There is no opportunity for adequate on-site circulation because of the site's relationship/connection to the adjacent property. Approval of this departure request allows the subject site to be utilized to its maximum potential.

- (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;**

The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location. All the land available to provide parking for this property and the adjacent property are in the right-of-way along Spring Road. The subject property was developed as part of a residential subdivision known as Springbrook in 1936, the property was redeveloped in the 1970's with an accessory office use, which is typical of many of the uses located along Kenilworth Avenue and the surrounding area. The subject property has no room for expansion and there are no other opportunities for parking expansion. The departure is necessary to alleviate the special circumstances related to building use and the physical limitations of the subject property.

- (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**

All methods of calculation have been fully applied to this application.

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

The applicant submits that the parking needs of the residential areas will not be infringed upon if this request is granted due to the nature of the business operations. Residential streets will not be impacted, because there are currently parking opportunities in the right-of-way, access to public transportation (Metro Bus T14 and R12 and the future Purple Line), and the area is pedestrian friendly. The applicant also has residential parking at the rear of the subject property. Significant spillover onto residential streets is not anticipated.

- (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;**

The area within 500 feet of the subject property is characterized by commercial and residential uses. The adjoining and nearby commercial and residential 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 property. The applicant is not proposing the use of on-street parking to support the proposed use.

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

The land use associated with this application is consistent with the land-use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68*. The proposed uses are consistent with the plan recommendations and will not impair the integrity of the 1994 Master Plan.

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

The Town of Riverdale Park supports the departure.

(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 for this area.

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

(i) Public transportation available in the area;

Public transportation is available. The area is serviced by the T14 and R12 Metro Bus routes. The proposed Purple Line will be less than a one-quarter mile away from the subject property.

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

There are no design solutions to off-street facilities for the required parking spaces. The property is fully developed and does not provide opportunities for to provide any parking 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 current and expanded use of the subject property is for a chiropractor's office. The office hours of operation are 9:00 a.m.–5:00 p.m. The proposal has no effect on the nature and hours of operation of other commercial/retail uses within 500 feet of the subject property if the departure is granted. All nearby commercial retail uses are located north and east of the subject property and have adequate on-site parking.

- (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 R-55 Zone; therefore, the above section is not applicable.

Departure from Section 4.2, Requirements for Landscape Strips Along Streets: Section 4.2, Requirements for Landscape Strips Along Streets, requires one shade tree and seven shrubs in a ten-foot-wide and 20-foot-long strip along Spring Lane. The applicant originally provided no landscaping in this location. In a decision, dated March 15, 2016, the Alternative Compliance Committee stated that replacing the required strip with parking along the site's frontage on Spring Lane would require a ten-foot wide landscape strip be provided at the edge of the parking lot and, as the proposed parking is located approximately one-foot from the Spring Lane right-of-way, provision of that strip is impossible. Additionally, the committee found no alternative compliance measures offered that would be equally effective as normal compliance with Section 4.2 of the Landscape Manual along Spring Lane and therefore recommended denial of this portion of the application. The applicant is now offering to provide six shade trees (one Red Maple and five American Hollies) in an eight-foot-wide and 24-foot-long strip in front of the property, within the right-of-way of Spring Lane, owned by the City of Riverdale Park.

Departure from Section 4.7, Buffering Incompatible Uses: Section 4.7 requires a 20-foot setback and 10-foot landscaped yard along the 100-foot-long eastern property line where the subject site is adjacent to the existing commercial offices. The applicant has provided a nine-foot building setback for the existing building and no landscape yard for 90 feet of the 100 feet of the bufferyard containing a single-shade tree (10 plant units). In a decision, dated March 15, 2016, the Alternative Compliance Committee stated that because only 10 percent of the bufferyard containing a single tree, when 40 plant units were required, they found that the proposed compliance measures are not equally effective to normal compliance with Section 4.7 of the Landscape Manual along the eastern property line and recommended denial.

Section 27-239.01(b)(7)(A) of the Zoning Ordinance states that, in order for the Planning Board to grant a departure from design standards, it shall make the following findings:

- (i) **The purposes of this Subtitle will be equally well or better served by the applicant's proposal.**

These purposes are equally well served by the application. The use of the property for residential purposes combined with the provision of landscaping along the western property line and within the public right-of-way reestablishes both the residential use of the property and the visual residential nature of the area. Fencing along the property lines will ensure that the site maintains compatibility with adjacent residential land uses.

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

The departure is the minimum necessary. The landscape improvements being made to the property allow for the property to be used to its maximum potential. There are no additional impacts on the surrounding residential or commercial uses.

(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the county developed prior to November 29, 1949.

The subject property was developed as part of a residential subdivision known as Springbrook in 1936, however, sometime in the 1970's the property was redeveloped for use as a commercial office use. The departure is necessary to alleviate circumstances that are unique to the site because the property is zoned residential, and residentially-zoned developed land surrounds the property to the west, but visually shares the aesthetic of the adjacent commercial office use to the east. The property is unique in that it bridges the residential and commercial office uses that surround the site. This departure is necessary for the proposed accessory use as a chiropractor's office and the location.

(iv) The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.

The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood. The applicant is visually enhancing the neighborhood by reestablishing a residential use for the property and providing a residential aesthetic through the provision and maintenance of landscaping at the western property line and within the public right-of-way along Spring Lane. The existing adjacent residential areas will not be infringed upon.

I. Further Planning Board Findings and Comments from Other Entities:

- 1. Transportation**—Spring Lane is approximately 24 feet wide. Aerial photographs taken in 2016 show parked vehicles on it. Nearby residences have their own driveways to park vehicles. Granting the departure for minimal amount of parking required for the use should not impact surrounding residential properties or the character of the neighborhood. Motorists already expect parked vehicles on Spring Lane. There are several bus routes on Kenilworth Avenue providing public transit to the site. The granting of the departure will allow the owner to obtain a Use and Occupancy permit for the residence with an accessory use as a chiropractor's office.
- 2. Urban Design**—This application is not subject to the Tree Canopy Coverage Ordinance per Section 25-127(b)(1)(B) because it does not propose any gross floor area or ground disturbance beyond what was previously permitted on the site.

3. **Permits**—The parking schedule should clearly indicate the request for the departure from parking of two required parking spaces. If shown on the site plan, the two 10-foot by 20-foot parking spaces in the rear of the property should be marked for owner use only. The Section 4.2 Landscape Schedule should indicate Alternative Compliance AC-15020 denied; pending DDS-634 approval.
4. **Community Planning**—The proposal is consistent with the 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68*. The 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68* recommends single-family detached housing for the subject property. There are no planning issues with this application.
5. **Subdivision**—The property is known as Lot 3, Block 1 in the Springbrook Terrace Subdivision recorded in Plat Book SDH 4 at Plat No. 56 in 1936. The property is zoned R-55 and is 5,842 square feet in size. The record plat incorrectly identifies the size of the lot as 6,030 square feet. The record plat shows a 25-foot building restriction line, which is not shown on the site plan and should be added. The property is improved with a single-family dwelling with a proposed chiropractic office. No new buildings are being proposed. Pursuant to Section 24-111(c)(3) of the Subdivision Regulations, the site is exempt from the requirement of filing a preliminary plan of subdivision because the final plat was approved prior to October 27, 1970 and the application does not propose any additional gross floor area. Prior to certificate of approval, the plan should be revised to add the plat reference (SDH 4-56) to the site information and to add the building restriction line as depicted on the plat. The plan is in substantial conformance with the record plat, if the above comments have been addressed. The site plan correctly reflects the bearings and distances on the plat; however, the acreage on the plat is incorrect, but is identified correctly on the plan. There are no other subdivision issues.
6. **Town of Riverdale Park**—On December 5, 2016, the Riverdale Park Mayor and Council met in a regular legislative session to discuss the application of the Kalonturas Property at 5410 Spring Lane, DPLS-443 and DDS-634. The Council unanimously approved a motion to support.

CONCLUSION

The requested departures are necessary to bring the existing conditions of the subject property into conformance with the requirements of the Zoning Ordinance. The building was constructed on the subject property in 1946 and has since been used for both residential and (the not legally established) commercial office uses. Under the current ownership, the subject property visually bridges the former uses to provide a transition from the commercial use along Kenilworth Avenue to the residential neighborhood. The proposed use is permitted by-right and will not alter the relationship between the subject property and the surrounding neighborhood.

Given the analysis of the subject property, the request for departures from the parking and loading standards and the design standards of the Landscape Manual meets the requirements of the Prince George's County Zoning Ordinance and will not adversely affect the subject property or the surrounding neighborhood.

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 APPROVED the above-noted application, subject to the following condition:

1. Prior to certification of the site plan, the applicant shall make the following changes to the site plan:
 - a. Correct General Note 5 [5,842], General Note 19 [No] and remove General Note 23.
 - b. Add the plat reference (SDH 4-56) to the site plan information and correct the building restriction line as depicted on the plat.
 - c. Mark the parking area in the rear of the property "For owner use only."
 - d. Correct the Section 4.2 Landscape Schedule to indicate "AC-15020 denied; pending DDS-634 approval."

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.

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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 Washington, seconded by Commissioner Doerner, with Commissioners Washinton, Doerner, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, February 2, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of February 2017.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

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