

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-443, Rivertowne Suites Office Condominium, requesting a departure of eight parking spaces from the required 53 parking spaces to add a medical office use in a multi-use condominium complex 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 January 18, 2018, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The property, known as Rivertowne Suites Office Condominium, is located on the northern side of Bock Road, approximately 250 linear feet east of its intersection with Livingston Road. The site is comprised of 0.68 acre of land in the Commercial Office (C-O) Zone. The property is currently improved with a two-story brick office building, which is presently used for various offices, and an associated parking lot with a loading space. The parking lot is well maintained. The site has an existing six-foot-high iron-rod fence along its northern property line and a chain-link fence along part of the western side of the property line. The entire site is paved, except for a few shade trees and bushes in the interior parking lot landscaping areas. The property has approximately 125.80 linear feet of frontage and one two-way driveway access from Bock Road.

The site visit revealed that the site has an existing freestanding sign on the east side of the driveway entrance. According to the M-NCPPC Permit Database, the existing freestanding sign does not have any legal permits. The location and detail of this sign is not provided on this departure from parking and loading standards (DPLS) site plan. All existing structures on the site shall be shown on the site plan and shall be in conformance with the requirements of the Prince George's County Zoning Ordinance, or be removed from the site.

- B. **History:** The subject property is known as Parcel 358, a legal parcel created by deed prior to 1982, and has never been the subject of a preliminary plan of subdivision. A condominium plat was recorded on June 25, 1990 in Plat Book NLP-153-69 for Rivertowne Suites Office Condominium. In accordance with the requirements of the Zoning Ordinance, the subject site was originally developed in 1990 for a general office complex, with 45 parking spaces and one loading space. In November 1993, an application for a Departure from Parking and Loading Standards, DPLS-179 (PGCPB Resolution No. 93-299), was approved with two conditions to waive four of the required seven parking spaces for a dental office use in the building. The two conditions are as follows:

1. **Prior to the permit approval, the applicant shall amend the site plan to include:**
 - a. **A revised parking and loading schedule including all uses on the site, including the square footage of each unit, the parking and loading requirement for each unit.**

According to the approved permit plan, this condition was addressed at the time of building permit. The current site plan also provides a data table showing the square footage of each type of use, with calculations for the required parking.

b. A landscape plan.

A landscape plan was provided at the time of permit approval.

2. The applicant shall cause all compact car spaces to be so identified on the site.

Compact spaces were identified on the DPLS-179 site plan. The compact and standard parking spaces shall be clearly identified on the current DPLS-443 site plan.

C. Surrounding Uses: The property is surrounded by the following uses:

North— A shopping center in the Commercial Shopping Center (C-S-C) Zone.

South— Across Bock Road is the Oxon Hill Methodist Church and single-family homes in the One-Family Detached Residential (R-55) Zone.

East— An office building (Oxon Hill Dial Center) in the C-O Zone.

West— An existing single-family detached home (vacant) in the C-S-C Zone.

D. Request: The Planning Board approved a departure of four parking spaces with this request. A total of 53 parking spaces are normally required by the Zoning Ordinance to accommodate the existing uses and a new medical office (1,679 square feet) use within the existing 16,659-square-foot multi-tenant office building. The proposed medical office use requires nine parking spaces. There are only 45 existing parking spaces on the site. A departure of four parking spaces (DPLS-179) was approved for the subject property in November 1993. Given the previous departure, a departure of four additional parking spaces is required for the site.

E. Development Data Summary:

	EXISTING	APPROVED
Zone(s)	C-O	Unchanged
Use(s)	General office and Medical office	Unchanged
Acreage	0.68	Unchanged
Parcels	1	1
Square Footage/GFA	16,659	Unchanged
Dwelling Units:	N/A	N/A

F. **Master Plan Recommendation:** This application is consistent with the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). The property is located within the growth boundary, in an area designated mixed-use in the Generalized Future Land Use Map in Plan Prince George's 2035. The property is located within a Neighborhood Center (Local), which encourages limited commercial and office uses to serve the surrounding communities. This application also conforms with the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* (Henson Creek-South Potomac Master Plan and SMA), which retained the subject property in the C-O Zone.

G. **Zoning Ordinance Requirements:**

1. Section 27-568(a)(6), Number of Required Parking and Loading Spaces, of the Zoning Ordinance requires 1 parking space for every 250 square feet for the first 2,000 square feet of gross floor area (GFA), and 1 space for each additional 400 square feet above the first 2,000 square feet of GFA for office space. According to the applicant's parking schedule, the site has a total of 13,580 square feet of office space, which requires a total of 37 parking spaces.

Section 27-568(a)(6) requires 1 parking space for every 200 square feet of GFA for a medical practitioner's office/medical clinic. The proposed acupuncture office, and an existing dentist's office are comprised of 3,079 square feet of GFA, requiring a total of 16 parking spaces.

Per the Zoning Ordinance, the total number of parking spaces required for the various uses within the subject building is 53. The site plan shows a total of 45 parking spaces, of which two are physically-handicapped spaces. The plan is deficient by eight parking spaces. A departure of four parking spaces was previously approved with DPLS-179. Therefore, a departure from the parking space requirements for four additional parking spaces is needed.

2. Section 27-582(a), Schedule of Loading Spaces, of the Zoning Ordinance requires only one loading space for an office building or office building complex (including banks) comprised of 10,000–100,000 square feet of GFA. In this instance, the GFA of the building is 16,659 square feet, which requires one loading space. The site plan provides one loading space for the office building.
3. Prince George's County Landscape Manual and Tree Canopy Coverage—The site is not subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual) or the Tree Canopy Coverage Ordinance per Section 25-127(b)(1)(B) of the Prince George's County Code because it does not propose any new GFA or ground disturbance beyond what was previously permitted on the site.

4. **Signs**—The review of this departure does not include the review of any signs. However, as mentioned above, the site has an existing freestanding sign. The Planning Board is unable to determine if this sign meets the requirements of the Zoning Ordinance, as no sign details are provided as part of this review. The site plan shall be revised to show the location of the existing sign and the detail of the sign. Any sign that is placed on the property shall meet all area, height, and setback requirements of Section 27-614 of the Zoning Ordinance.

H. **Review Comments:**

1. **Urban Design**—No dumpsters or trash facility has been shown on the site plan. If exterior trash facilities are proposed, a dumpster location shall be shown on the plan and appropriately screened.
2. **Subdivision and Zoning**—The subject application is not proposing any additional development. Any future development or redevelopment of the site may require a preliminary plan of subdivision.
3. **Environmental**—This DPLS is not required to submit any Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance plans or exemption letter, nor any natural resources inventory plans or equivalency letters. No woodland clearing or impacts are proposed.
4. **Community Planning**—The site conforms to Plan Prince George’s 2035 and the Henson Creek-South Potomac Master Plan and SMA. The master plan specifically supports minimizing the number of parking spaces to reduce impervious surfaces and implementing improvements to the physical environment of commercial areas to enhance their visual appearance. The property is within the Oxon Hill Regional Center, which encourages mixed-use development, and specifically envisions low- to moderate-intensity, multifamily, or townhouse residential use for this property. However, the plan recognizes that mixed-use development will depend on market demand, public-private investment, and the potential introduction of light rail in the future.
5. **Transportation Planning**—The application includes a waiver of the parking standards in the Zoning Ordinance to allow a reduction of the parking spaces. The Zoning Ordinance provides minimum standards for on-site parking and loading on the subject property for two primary reasons. The standards protect the patrons of the subject property from the problems caused by not having adequate and available parking at hand. The parking standards also protect neighboring property owners from the problems caused by persons residing on, or visiting, the subject property using parking spaces on adjacent land or streets during that time.

The departure is to serve an office condominium of 16,659 square feet. The usage is currently a mix of general and medical office, and medical office requires a slightly higher number of spaces per 1,000 square feet than does general office. In reviewing the required findings and considerations regarding a departure from parking and loading spaces, and the information provided by the applicant, including the submitted parking study, the Planning Board finds the following:

- The study has counted parking utilization on two separate dates, including a detailed count on Tuesday, November 21, 2017 and a less detailed count on the afternoon of Thursday, December 7, 2017 (although the text of the parking study says December 6, 2017). The second observation adds credibility to the study; it would have been difficult to accept a study done during a holiday week.
- The study indicates a daily peak utilization of 14 parking spaces on the site, and it assumes current occupancy at 55 percent. The statement of justification (SOJ) dated March 24, 2017 provides data that would indicate an occupancy of 51 percent. The parking study also cites a slightly smaller number for gross square footage than was provided in the March SOJ. This analysis will use the numbers in the March SOJ, as the data in that document is a better descriptor of the current breakdown of uses on the site.
- Using current parking utilization on the site of 14 spaces, along with the current occupancy of 51 percent, it is estimated that, if the building were fully occupied, it would require 27 parking spaces. The parking lot, in the current configuration, provides 45 spaces, so it would appear that there is sufficient parking on the site to serve the current and proposed uses.
- The parking study notes low turnover in the lot. It should be noted that the uses themselves do not appear to be seasonal in nature (with a corresponding seasonal surge in parking demand).
- It is agreed that there are no adjacent residential areas. While the adjacent property across Bock Road is residentially zoned, it has an institutional use. It is also agreed that the site is served by bus transit service. The Bock Road Line (Metrobus Routes W13/W14) has hourly service all day, Monday through Friday.
- There has already been a departure of four spaces granted for this property for the use of medical office space, and this departure would be for a total of eight spaces; four per a prior approved departure plus four additional spaces under the current departure.

- Additional spaces cannot be created by reconfiguring the parking lot or the overall site. Shrinking or eliminating the landscaping islands within the parking lot could be done to add a couple of spaces. In the end, the landscaping islands serve important aesthetic and environmental functions, and shall not be eliminated.

In summary, the parking study greatly bolsters support for the departure request. The “Transportation Review Guidelines” advise that “parking studies on the subject site (if appropriate) or similar sites” be provided as a means of justifying the request. Such information has been received and reviewed. The amount of parking utilization that is currently occurring, along with the low parking turnover, the non-seasonality of the uses, and the lack of adjacent residential uses are good and compelling reasons to support the departure.

The site is adjacent to Bock Road, a master plan collector facility with a planned 80-foot right-of-way. The subject site, at the time of recordation, dedicated 40 feet from the centerline of Bock Road; therefore, no further dedication is required of this property.

The departure is supported by the required findings, as further discussed.

6. **Prince George’s County Health Department**—The Health Department offered no comments regarding the DPLS.
7. **Prince George’s County Department of Permitting, and Inspection and Enforcement (DPIE)**—DPIE’s comments stated that they had no objection, provided there are no adverse effects in the surrounding areas.

I. **Required Findings:** Section 27-588(b)(7) of the Zoning Ordinance states the following:

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

(A) **In order for the Planning Board to grant the departure, it shall make the following findings:**

- (i) **The purposes of Section 27-550 will be served by the applicant’s request.**

Section 27-550 states the following:

(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;**

The purpose is to ensure sufficient on-site parking and loading for all uses associated with the building. The applicant's revised SOJ dated December 7, 2017 indicated that, at the present time, five of the nine units are currently occupied, and the building has not been fully occupied since 2003. Based on this information, a parking analysis was conducted by Street Traffic Studies, Ltd. The goal was to evaluate the current parking demand for the existing uses, and to develop a projection of the future demands, based on the proposed new use for one of the units. Upon reviewing the parking analysis submitted by the applicant, the Planning Board finds that the applicant is providing adequate parking to serve its existing and proposed uses, as outlined in the transportation finding. Therefore, the purposes of this subsection will be served by the requested departure.

(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;

The site has only one point of access from Bock Road. The existing office building has been operating with the current parking configuration since 1993 and the applicant is not proposing to use public streets to meet its parking needs. The site is providing sufficient parking to accommodate all the uses on-site. Based on the traffic analysis above, only 27 parking spaces are expected to be needed if the building were fully occupied. Therefore, there is no reason to believe that there will be a disruption to traffic flow or parking conditions on the surrounding streets resulting from the proposed use. Consequently, nearby residential properties are not likely to be affected by the departure. Thus, this purpose will be served by the requested departure.

(3) To protect the residential character of residential areas; and

The subject property is surrounded by commercial uses to the north, east, and west sides. Although the south side of the property, immediately across Bock Road, is zoned residential, it is used for a church and has its own parking to serve its patrons. The closest single-family houses are located approximately 300 feet away from the site and will not be affected in any way. Thus, the residential character will be protected.

(4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.

The subject property is located within an area that is well served by public transit. The W13/W14 Metrobus routes run along Bock Road and there is an existing bus stop in front of the property. Although there is no indication of whether any of the employees or patrons currently use public transportation, these bus routes are conveniently located for the users of the subject site.

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

The departure is the minimum necessary. Due to the physical limitations of the site, the applicant cannot expand the existing parking lot. The site is bounded by existing established commercial development to the north and east, single-family development to the west, and by public right-of-way to the south. There are no other open areas on the site to provide additional parking spaces. As such, the departure is the minimum necessary, given the specific circumstances of the request.

(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 the nature and physical limitations of this site. The subject building has been in existence for the last 37 years. The site is surrounded by existing commercial and residential uses from three sides (north, west, and east) and a public right-of-way on the south side. For that reason, the applicant could not expand the existing parking lot to create more parking. These site constraints make it clear that there is simply no space on the site to accommodate additional surface parking.

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

All methods of calculation have been used and found impractical to further reduce the parking requirement. The applicant has applied the correct method for calculating the number of spaces required. The site provides 14 compact parking spaces, 29 regular spaces, and 2 van-accessible handicapped spaces. 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 Planning Board confirms that the parking and loading needs of the residential areas will not be infringed upon with the approval of the departure. The site abuts a single-family detached dwelling to the west; however, the structure is boarded and presumed to be vacant. While the adjacent property across Bock Road is residentially zoned, it has an institutional use. The closest residential use is over 300 feet to the southeast on Bock Road. It is not likely that patrons would park on residential streets and walk to this site. Furthermore, according to the transportation analysis, there will be enough parking spaces on-site to accommodate all existing and proposed uses, thus residential streets will not be 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 500 feet of the subject property.**

The area within 500 feet of the subject property is characterized by commercial and single-family residential 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 the subject property.

- (ii) The recommendations of an area master plan, or County or local revitalization plan, regarding the subject property and its general vicinity.**

The 2006 Henson Creek-South Potomac Master Plan and SMA recommends commercial office land use for the subject property. The proposed uses are consistent with the master 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.**

This subject property is not within a municipality.

- (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.**

The property is served by bus transit service. There is a bus stop in front of the site. The Bock Road Line (Metrobus Routes W13/W14) has hourly service all day, Monday through Friday. However, the applicant did not indicate any significant use of public transportation by their patrons.

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

There does not appear to be any alternative design solutions to yield additional parking spaces. The maximum number of allowed compact parking spaces has been provided. The subject site is fully developed and there is no additional land area to expand the parking facilities.

(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 500 feet of the subject property.

According to a telephone conversation with Mr. Nelson, signee of the traffic study, the operating hours for the proposed medical office are from 10:00 a.m. to 7:00 p.m., Monday through Saturday. However, the traffic study has indicated that it is expected to operate in a manner very similar to the other uses in the building. Each of the uses in the building has three to four employees, from zero to three visitors in the peak hours, and have operation hours between 8:30–9:00 a.m. to 5:00–7:00 p.m., Monday through Friday. The proposed medical office will also take patients on an appointment basis, limiting the number of visitors at any given time. The business uses that surround the site are commercial in nature and operate during typical business hours. Their day-to-day operations would not be impacted by the approved departure, as a departure of four required parking spaces does not present a significant change from the level of service the current parking configuration provides to the existing building. The church across Bock Road has different peak hours of operation than the commercial uses.

(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.

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 conditions:

1. Prior to certification of the site plan, the plan shall be revised as follows:
 - a. The site plan notes shall indicate the existing property as Parcel 358.
 - b. Show the location of the existing freestanding sign.
 - c. Identify the compact car parking spaces.
2. Prior to issuance of any permit, details of the existing freestanding sign shall be provided with the permit application to ensure the sign meets all area, height, and setback requirements, in conformance with Section 27-614 of the Prince George's County Zoning Ordinance.

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 Bailey, with Commissioners Washington, Bailey, and Hewlett voting in favor of the motion, with Commissioner Geraldo voting against the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, January 18, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of February 2018.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

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