

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



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

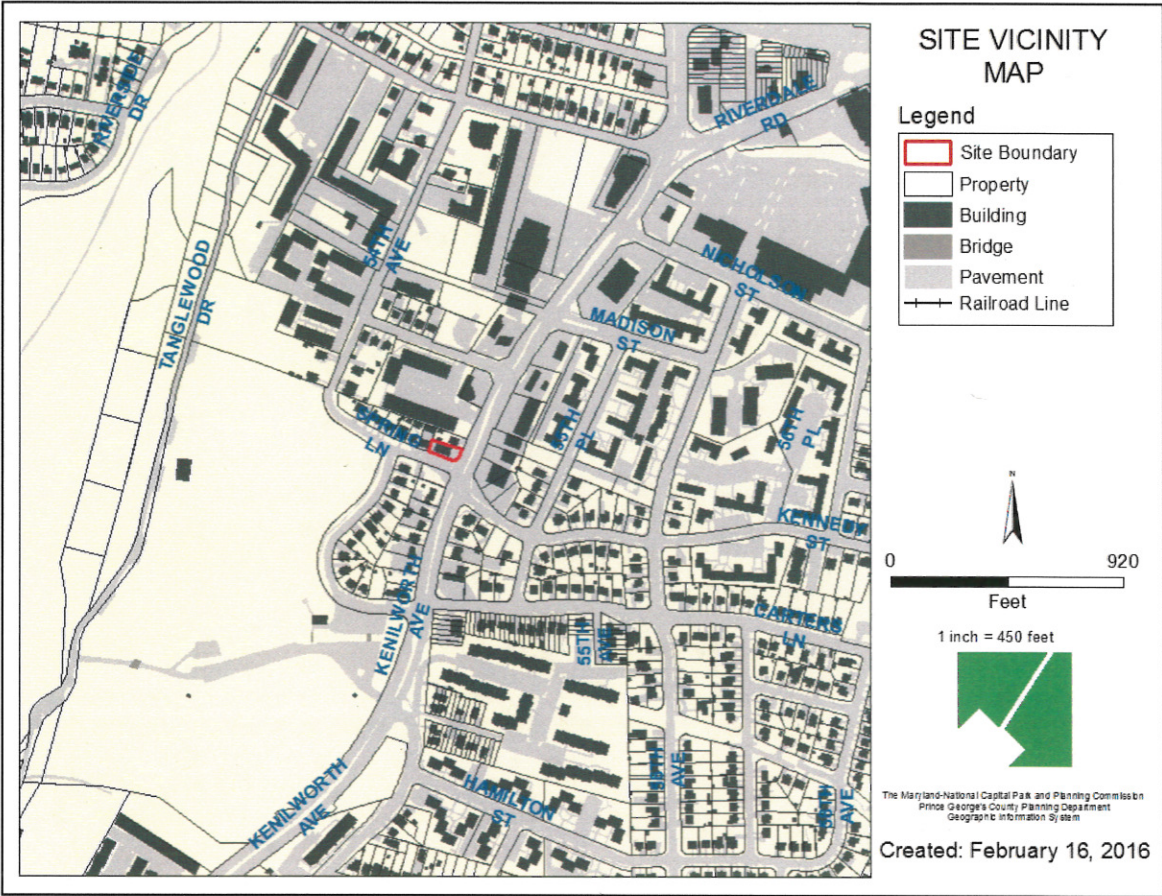
## Departure from Parking and Loading Standards

**DPLS-423**

Application	General Data	
<b>Project Name:</b> Rosenberg & Fayne, LLP.  <b>Location:</b> On the northwest corner of the intersection of Kenilworth Avenue (MD 201) and Spring Road.  <b>Applicant/Address:</b> ERPF Holding, LLC. 5402 Kenilworth Avenue Riverdale, MD 20737  <b>Property Owner:</b> Same as applicant	Planning Board Hearing Date:	04/28/16
	Staff Report Date:	04/11/16
	Date Accepted:	02/26/16
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.161 acres
	Zone:	C-O
	Gross Floor Area:	4,485 sq. ft.
	Lots:	1
	Parcels:	N/A
	Planning Area:	68
	Council District:	03
	Election District	19
	Municipality:	Riverdale Park
200-Scale Base Map:	206NE05	

Purpose of Application	Notice Dates	
Departure from parking and loading standards of 15 parking spaces.	Informational Mailing	09/20/15
	Acceptance Mailing:	02/23/16
	Sign Posting Deadline:	03/28/16

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Ivy R. Thompson <b>Phone Number:</b> 301-952-4326 <b>E-mail:</b> <a href="mailto:Ivy.Thompson@ppd.mncppc.org">Ivy.Thompson@ppd.mncppc.org</a>	
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, Development Review Division

FROM: Ivy R. Thompson, Senior Planner, Zoning Section, Development Review Division

SUBJECT: **Departure from Parking and Loading Standards  
DPLS-423, Rosenberg & Fayne, LLC**

REQUEST: **Departure from parking and loading standards of 15 parking spaces.**

RECOMMENDATION: **Approval with Conditions**

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NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date of April 28, 2016. 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.

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FINDINGS

A. **Location and Field Inspection:** The property, 5400 Kenilworth Avenue, Riverdale Park, Maryland, is located on the west side of Kenilworth Avenue and Spring Road, approximately 2,500 feet south of East-West Highway (MD 410). The site comprises .16 acres of land in the Commercial Office (C-O) Zone in Planning Area 68. The property is currently improved with a two-story 4,485-square-foot building used as legal offices. The sole access to the property is via an existing 30-foot-wide driveway located in the right-of-way along Spring Road. This driveway serves as the entrance to the off-street parking located in the right-of-way. There is an existing chain-link fence along the north property line and is adjacent to a Single-Family Residence zoned C-O (also owned by the applicant). West of the property is a legal office in the R-R Zone. A free-standing sign is located along Kenilworth Avenue.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-O	C-O
Use(s)	Office	Office
Acreage	.16	.16
Lot	2	2
Square Footage/GFA	4,485	4,485

C. **History:** Per the State Assessment Database, the building has a commercial use. Since 1981, the subject property, known as Lot 2, Block 1, Springbrook Terrace (September 1936) has previously approved permits for the operation of law offices (1344-81-U and 28128-20103-CU-01 issued September 10, 2014). Building Permit, 28128-2013-00 was issued for the basement build-out for use as additional office space.

D. **Master Plan Recommendation:** This application is consistent with the 1994 *Planning Area 68 Approved Master Plan and Sectional Map Amendment*, which retains this property in the Commercial Office Zone, and is in conformance with the land use recommendations.

E. **Request:** The applicant requests a departure from all of the required parking standards. The original application sought relief of 7 parking spaces from the 15 spaces required. However, it was determined through the review process that the site does not meet the design requirements for the required 22-foot driveway entrance. All on-site parking provided is only accessible via an existing 30-foot-wide driveway entrance from Spring Road. 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 all 15 parking spaces per the Zoning Ordinance requirement because both the access and the parking is located within the right-of-way.

F. **Surrounding Uses:** The Springbrook subdivision is developed with both residential and commercial uses. The property is located on the northwest quadrant of Kenilworth Avenue (MD 201), at its intersection with Spring Road to the south. The area is largely developed.

**North**—Single-family Residence zoned C-O zoned and used as legal offices.

**South**—undeveloped land zoned C-O owned by the State of Maryland.

**East**—Kenilworth Avenue (MD 201).

**West**—R-R zoned property, developed and used as legal offices.

**G. Design Requirements:**

1. **Number of Required Parking and Loading Spaces:** Section 27-568(a) of the Zoning Ordinance requires one parking space for every 250 square feet of gross floor area (GFA) for general office uses. A minimum of 15 parking spaces is required. The subject site is fully developed and the only available parking is located within the right-of-way. The location of the existing parking spaces within the public right-of-way is not allowed to be counted toward the required parking. The spaces shown, but not counted have existed and were used continuously since the original building was constructed. The Prince George's County Zoning Ordinance did not address parking in the right-of-way prior to 1974.

The site was developed in 1971, 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 15 parking spaces. Therefore, a departure from the parking space requirement is necessary. The applicant has requested a departure for 15 parking spaces.

The existing neighborhood is extensively developed. All available parking is located within the right-of-way. 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 in the right-of-way. 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:** No Natural Resources Inventory Plan is required for this project and there are no regulated environmental features located on-site. The site is not subject to the Landscape Manual because there is no change of use per Section 1.1(d) of the Landscape Manual.
3. **Signs:** There is an existing free-standing sign located along Kenilworth Avenue. All signs must meet the all area, height, and setback requirements.

**H. Required Findings:**

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;**

**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.**

**Comment:** The purposes of the parking and loading regulations will be served by the applicant's request. 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.

Permits were previously approved for the operation of law offices (1344-81-U and 28128-20103-CU-01) that utilized land available in the Right-of-Way, which is the entire available area at the south and east side of the property for parking. The parking that is currently available has existed since the building was constructed. The review of aerial photos from 1977 through 2014 shows consistent views and use of the parking area. The majority of the clients are local to the area and parking, which is available only in the right-of-way, is underutilized. The subject property is surrounded by fully-developed land. There is no room for expansion. 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;**

**Comment:** The departure is the minimum necessary, since only 15 spaces are required. When the property was subdivided in 1936, and the building subsequently constructed in 1971, it was done per the existing 1970 development standards and parking requirements. There is no opportunity for adequate on-site circulation because the building encompasses the entire buildable area. 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;**

**Comment:** The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location. All of the land available to provide parking for this property and the adjacent property are located 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 developed in 1971 for Commercial Use and C-O Zone, 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**

**Comment:** 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.**

**Comment:** The applicant submits that the parking needs of the residential areas will not be infringed upon if this request is granted. Parking is not permitted on Kenilworth Avenue. 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. Spillover into 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;**

**Comment:** 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 facility. The applicant is not proposing the use of on-street parking to support either proposed use.

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

**Comment:** The land use associated with this application is consistent with the land use recommendations of the 1994 *Planning Area 68 Approved Master Plan and Sectional Map Amendment*. 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**

**Comment:** Town of Riverdale Park supports the departure. However, the Riverdale Park Town code does not allow for the installation of chain-link fences and has requested that the applicant provide another material per the Riverdale Park Town code. The applicant has proffered to install a four-foot-height black iron fence to comply with Chapter 66, Section 1.1 of the Riverdale Town Code.

- (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:** 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;**

**Comment:** 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. Parking is not allowed on Kenilworth Avenue.

- (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 current and expanded use of the subject property is for law offices. The law 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.**

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

## CONCLUSION

Given the analysis of the subject property by Planning Department staff, the request for a departure from the parking and loading standards meets the requirements of the Prince George’s County Zoning Ordinance and will not adversely affect the subject property or the surrounding neighborhood. Therefore, based on the preceding analysis and findings, it is recommended that the Planning Board APPROVE Departure from Parking and Loading Standards DPLS-423, a request for the departure of 15 parking spaces from the requirement of 15 parking spaces with the following conditions:

1. Prior to certification of the site plan, the applicant shall make the following changes to the site plan:
  - a. Correct Note 6 to reflect the current existing building square footage of 3,024 square feet.
  - b. Indicate the height of the concrete block wall along the northern property boundary.
  - c. Indicate on the site plan the proposed installation of a four-foot-height black-iron fence along the northern property boundary.

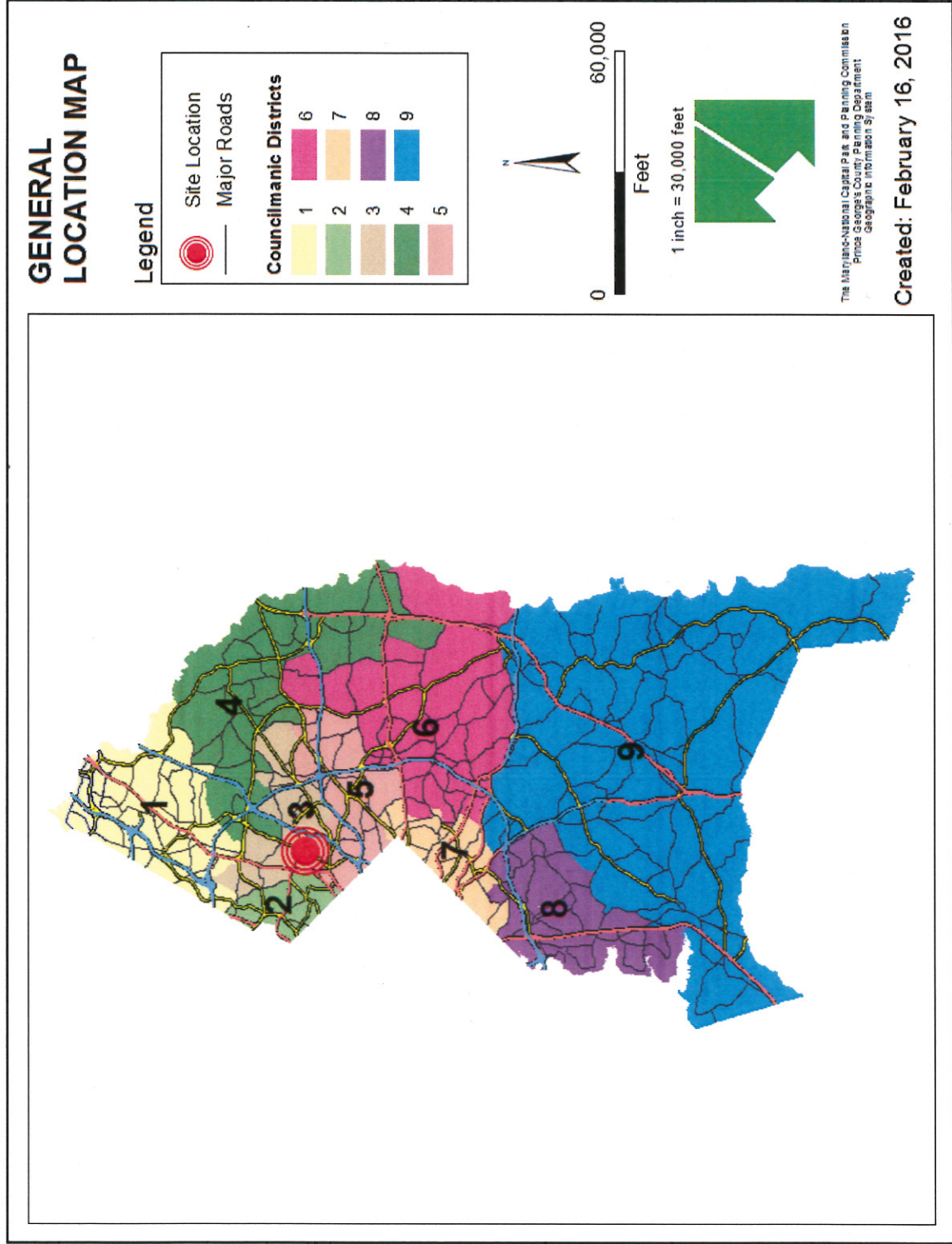


**ITEM:**

**CASE: DPLS-423**

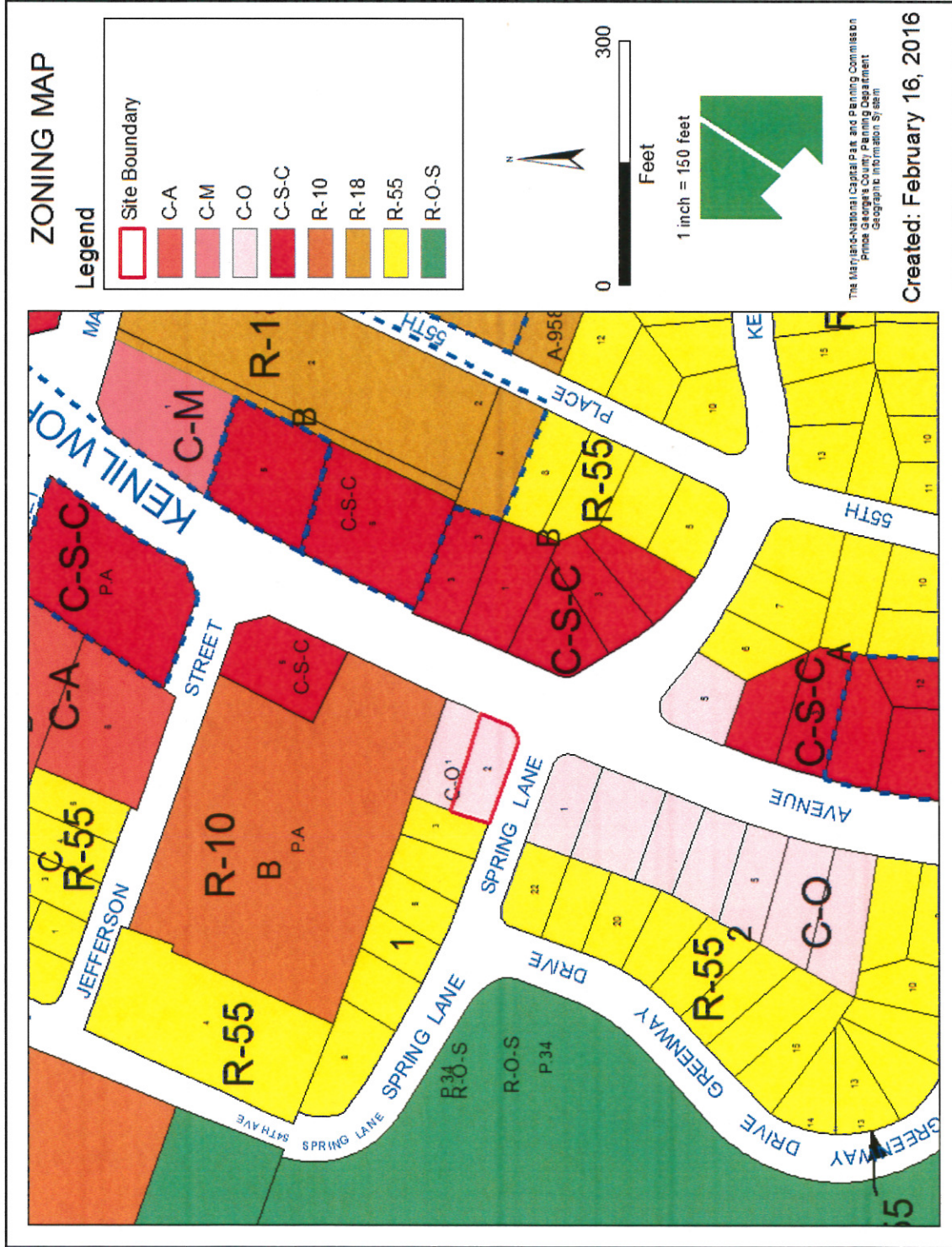
**ROSENBERG & FAYNE, LLP**

# GENERAL LOCATION MAP

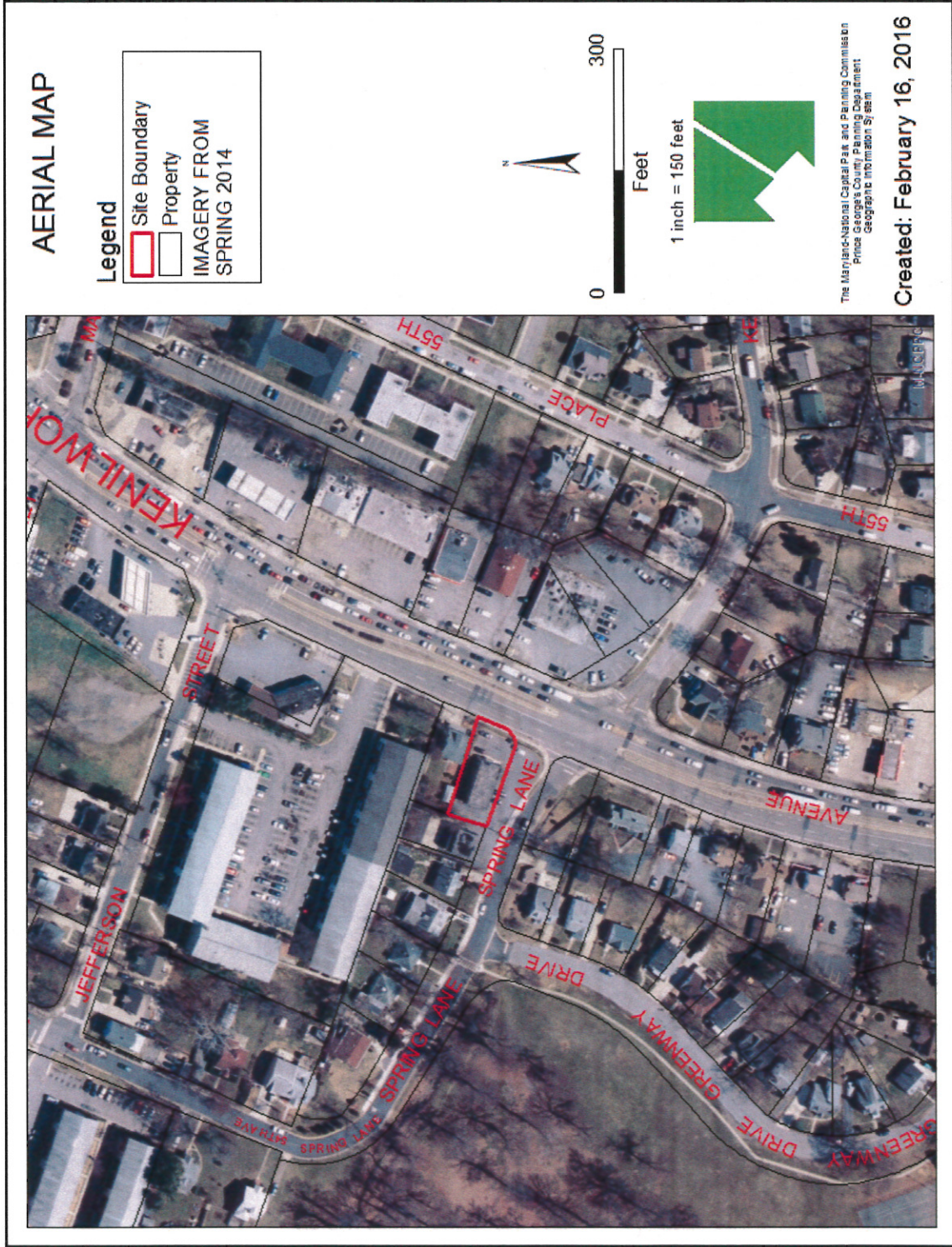




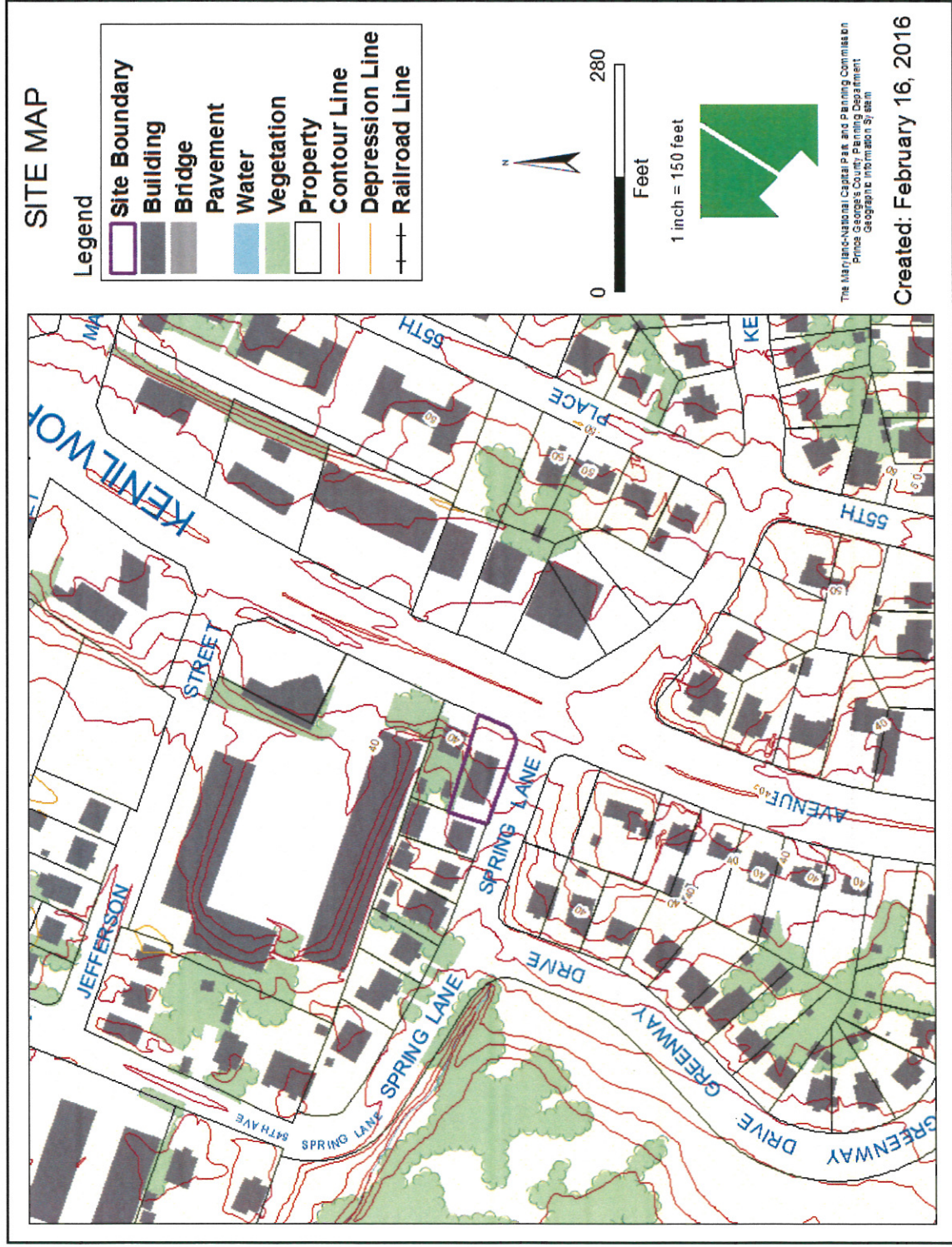
# ZONING MAP



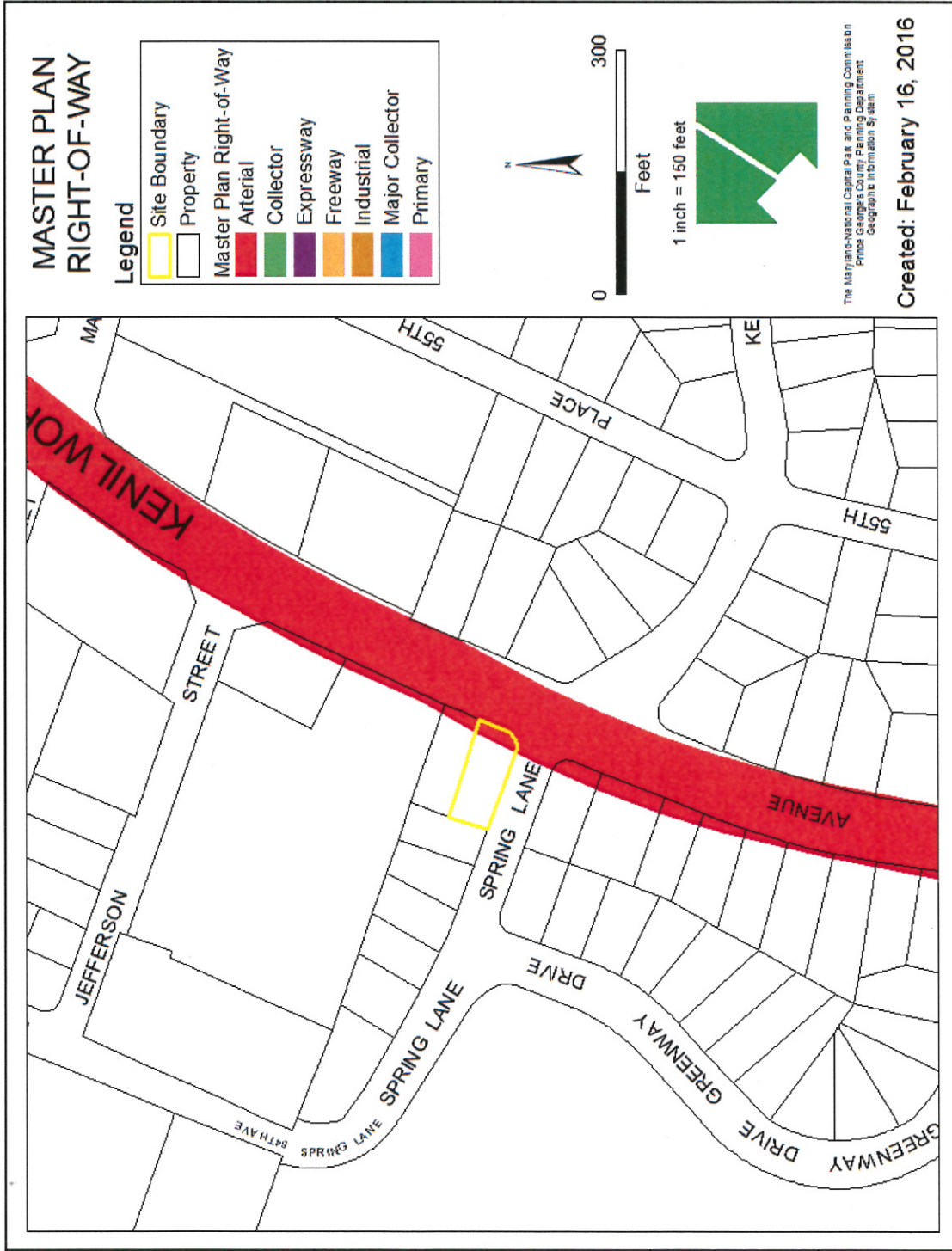
# AERIAL MAP



# SITE MAP



# MASTER PLAN RIGHT-OF-WAY MAP



# BIRD'S-EYE VIEW

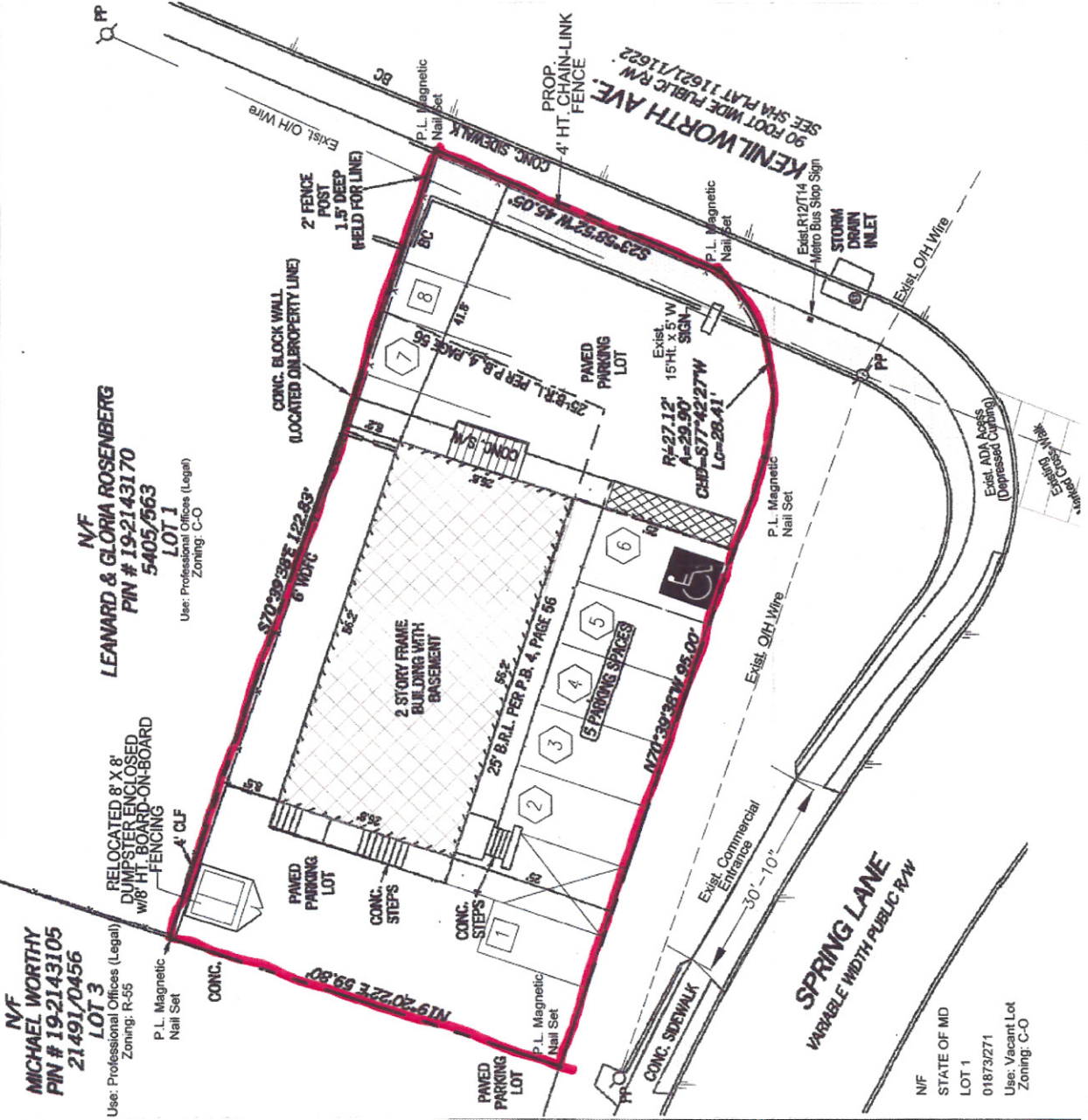








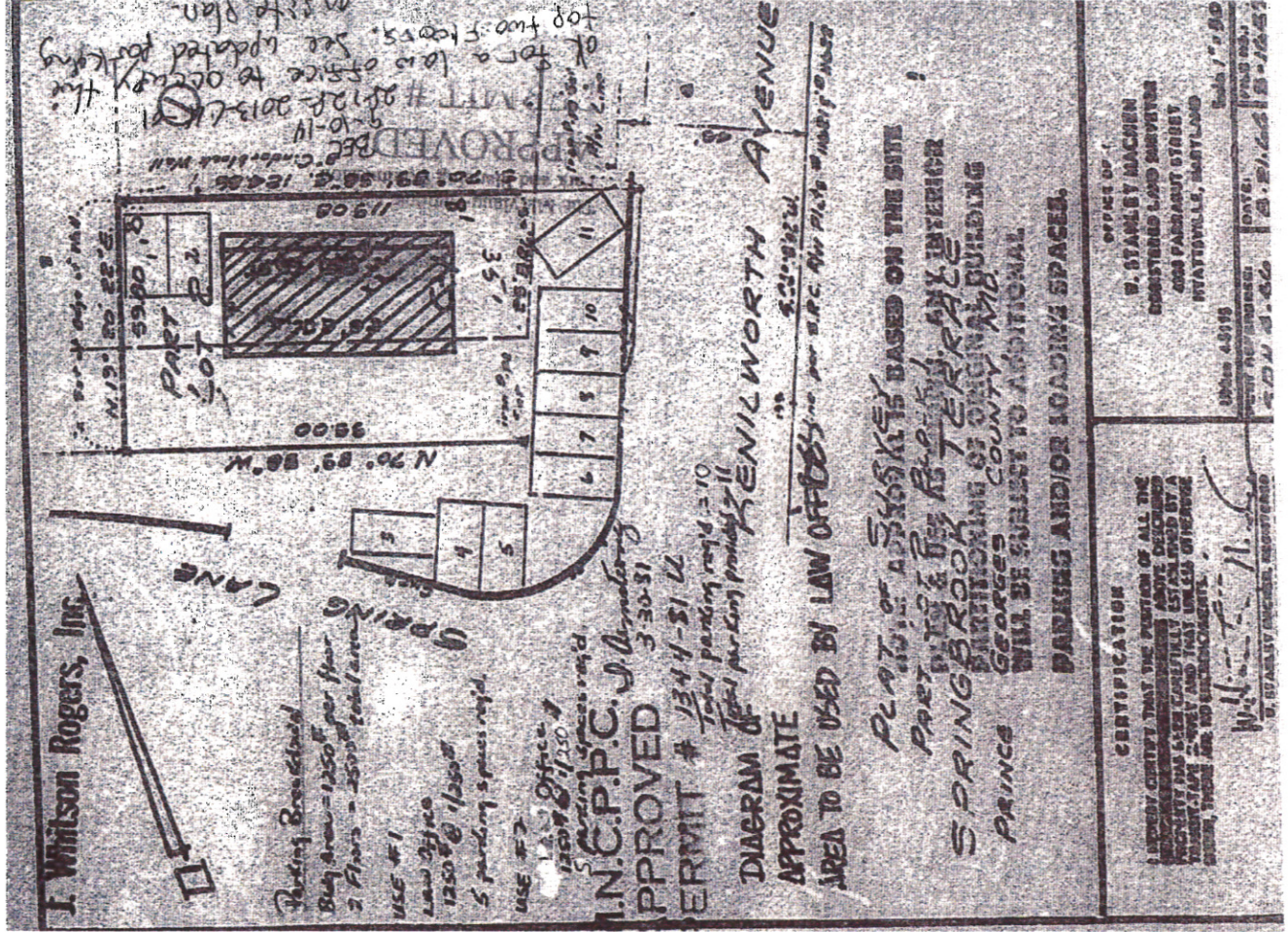
# SITE PLAN DETAIL

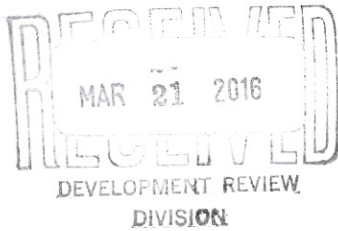






# PLAT





AMENDED  
DPLS-423

**JUSTIFICATION STATEMENT  
For Departure from Parking & Loading Space  
& Departure from Design Standards  
Associated With  
DPLS-423**

**On behalf of  
Rosenberg & Fayne, LLP  
March 18, 2016**

Description of Proposed Use/Request

Project concerns a request for Use and Occupancy for a professional office. The office location is 5400 Kenilworth Avenue in Riverdale, Maryland 20737. We request a Departure from Parking and Loading Standards of 15 parking spaces from the requirement of providing 15 parking spaces.

Description and Location of The Subject Property

The site is 0.161 acres, zoned C-O and is located at the northwest of intersection Kenilworth Avenue and Spring Lane within the Springbrook subdivision. A commercial office exists to the immediate west and apartments exist to the immediate north. The property is bounded by Kenilworth Avenue on the east and Spring Lane on the south.

Required parking per Prince George's County Zoning Ordinance (27-568) for a business office is one parking space per 250 square feet for the first 2,000 square feet of gross floor area, and one parking space per 400 square feet above the first 2,000 square feet of gross floor area. The total gross floor area of the building calculated for the proposed use is 4,485 square feet.

We request a departure from the required 15 parking spaces based on the inability to provide proper internal vehicular circulation on-site, without encroaching within the public right-of-way. The site plan as shown does not allow for proper vehicular circulation for the limited number of parking spaces shown, which include one Van-Accessible space of 16'x19', 5 regular spaces of 9.5' x 19' , and two compact spaces of 8' x 16.5'. A loading space is not required. This departure request for 15 parking spaces proposes a site plan which includes 8 on-site parking spaces for referenced business office use, . The office will house a legal office and currently exists to serve the community. It is the owner's desire to convert the basement area to additional office space, which has been accounted for in the parking schedule. There is no proposed disturbance on the site.

Rosenberg & Fayne, LLP  
DPLS-423  
March 18, 2016  
Page 2

An existing right-of-way easement reduces the pavement area which currently exists on the site and thereby restricts potential parking even further.

We also propose to provide a 4' height chain-link fence along partially along the property frontage, within the site's property lines. We wish to install this fence to deter criminal acts as we have experienced vandalism to vehicles. It is our hope that by installing the fence, we would discourage vandalism by forcing people walking across the site away from parked vehicles on our property.

Our request for Approval of a Departure from Parking for DPLS-423 per Zoning ordinance Section 25-588(b)(7) is as follows:

### Required Findings

#### (A).

- (i) *The purposes of this Part (Section 27-550) will be served by the applicant's request*

The Approval of this DPLS will serve the applicant's request as it will allow for expansion of the existing legal office by increasing office space in the basement. The owner will be able to obtain a Use & Occupancy permit which legally recognizes the expansion and the maximum parking spaces allowable on site.

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

The minimum number of parking spaces required for the existing 4,485 square feet office building is 15. Due to the lack of space to provide internal vehicular circulation, the departure is the minimum necessary, given the specific circumstances. This request is for approval of a Departure from Parking Standards for 15 spaces required for vehicular parking for the office building.

- (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 site has been used as a commercial office since 1998. The special circumstances are that the current site is reduced due to an applicable right-of-way which reduces the ability to provide additional on-site parking. There are no adjacent properties which can be used to provide the required number of spaces in conjunction with the site.

- (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*

We have interpreted the Zoning Ordinance in the strictest terms: namely, 1 space per 250 square feet of for the first 2,000 square feet of gross floor area and 1 space per 400 feet above the first 2,000 square feet of gross floor area.

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

It is not Rosenberg & Payne's intent to burden the neighborhood with parking from its business & legal office operations. An existing Metro Bus stop (R12/T14) is located along the site's frontage along Kenilworth Avenue, which affords public transportation. Residential streets will not be impacted since there is access to public transportation we do not anticipate spillover onto residential streets.

**(B).**

*(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.*

This general character of the parking and loading conditions within (500) feet of the property includes small-business commercial entities and residential, including single-family detached and apartments. The adjoining properties to the respective site do have their own off-street parking and loading facilities. It is not readily apparent that these adjacent properties are currently experiencing a shortage of available parking and loading spaces. The applicant does not propose on-street parking.

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

The proposed law office use associate with this application appears to be consistent and not in conflict with the land use recommendations of the 1994 Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity. The proposed use does not conflict with the sector plan's recommendations for infill mixed-use development to create green, healthy and pedestrian-friendly communities and will not conflict with the master plan for this area, whose vision is to preserve and enhance established residential areas and protect them from encroachment of incompatible uses.

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

The Riverdale Park Town Council has not voted on this application for DPLS-423 to date.

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

No public parking facilities are proposed for this area

(C).

*(i) Public transportation in the area*

Public transportation is available. An existing Metro Bus stop (R12/T14) is located along the site's frontage along Kenilworth Avenue, which affords public transportation. The proposed Purple Line will be less than a 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 proffered which offer alternative design solutions to yield additional parking spaces. The property is currently fully developed and no parking is allowed on Kenilwoth Avenue (MD 201) or along Spring Street.

*(iii) The specific nature of the use and the nature and hours of operation of other business uses within five hundred (500) feet of the subject property*

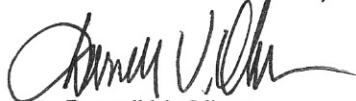
The proposal has no effect on the nature and hours of operation of other businesses uses within 500 feet of the subject property. Most of the adjacent businesses within 500 feet of the subject property have similar business hours of 9am to 5pm.

*(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 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 zoned C-O and the above section is not applicable.

We do hope the Planning Board decides favorably with respect to our application for a DPLS as Rosenberg & Payne, LLP seeks to continue to serve the community in which it is located, which allows the residents from far and need to patronize a law firm located in their respective neighborhood.

DIGITERRA DESIGN, LLC



Darrell V. Oliver  
Consultant for Rosenberg & Fayne, LLP





# Town of Riverdale Park

5008 Queensbury Road  
Riverdale Park, Maryland 20737

April 5, 2016

The Honorable Elizabeth M. Hewlett  
Chair, Prince George's County Planning Board  
M-NCPPC Prince George's County Planning Board  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: Support with Conditions for Rosenberg & Fayne, LLP, DPLS-423

Dear Chair Hewlett and Planning Board Members:

On April 4, 2016, the Riverdale Park Mayor and Council met in a regular legislative session to discuss the application for Rosenberg & Fayne, LLP, DPLS-423, a request for a departure from the required 15 parking spaces based on the inability to provide proper internal vehicular circulation on-site without encroaching within the public right-of-way. The applicant's justification statement describes the proposal of a 4-foot chain-link fence along the property frontage. The use of chain-link fencing is not permitted in the Town of Riverdale Park, as outlined in Chapter 66, Section 1.1 of the Town Code.

The Council approved a motion of support with conditions for DPLS-423, to include the following condition:

1. Revise the statement of justification to comply with Chapter 66, Section 1.1 of the Riverdale Park Town Code.

Please contact me at [simhulse@riverdaleparkmd.gov](mailto:simhulse@riverdaleparkmd.gov) or 301-927-6381 if you have any additional questions.

Sincerely,

Sara Imhulse  
Town Administrator

## Thompson, Ivy

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**From:** doliver@digiterradesign.com  
**Sent:** Thursday, March 31, 2016 9:49 AM  
**To:** Thompson, Ivy  
**Subject:** FWD: RE: DPLS-423-TOWN OF RIVERDALE HEARING  
**Attachments:** black metal fencing.jpg

FYI

----- Original Message -----

Subject: RE: DPLS-423-TOWN OF RIVERDALE HEARING

From: doliver@digiterradesign.com

Date: 3/30/16 5:27 pm

To: "Sara Imhulse" <simhulse@riverdaleparkmd.gov>

Cc: "Peter Fayne" <PFayne@rosenberg-fayne.com>, "Eric Rosenberg" <ERosenberg@rosenberg-fayne.com>, "Lawrence Smith" <lawrencecsmith@rcn.com>, "David Edge, AIA" <edgearchitect@yahoo.com>



Good Afternoon Sara,

Thanks for calling me regarding DPLS-423 on behalf of Rosenberg & Fayne, LLP.

I understand your point made on the phone that a chain-link fence proposed across the front is not allowed by the Town of Riverdale. With that in mind, we propose a 4' ht black iron fence (see attachment), which is more attractive, but still achieves the owners' intent and purpose of building the fence. That purpose is to reduce, or hopefully eliminate property vandalism, especially parked cars on the Owners' property.

The meeting will be this coming Monday at the Town of Riverdale, and someone from Rosenberg & Payne, LLP will be there. I am not sure at this point if I can make the meeting.

Kind regards,

Darrell

*"Serving Our Valued Clients for Over 15 Years"*

Darrell V. Oliver, ASLA

Managing Principal

301.877.0271

**DIGITERRA DESIGN, LLC**

8910 Simpson Lane, Suite 3

Clinton, MD 20735

[www.digiterradesign.com](http://www.digiterradesign.com)

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----- Original Message -----

Subject: DPLS-423

From: "Sara Imhulse" <[simhulse@riverdaleparkmd.gov](mailto:simhulse@riverdaleparkmd.gov)>

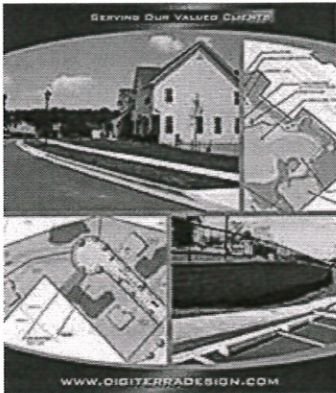
Date: Wed, March 30, 2016 2:50 pm

To: <[doliver@digiterradesign.com](mailto:doliver@digiterradesign.com)>

Good afternoon:

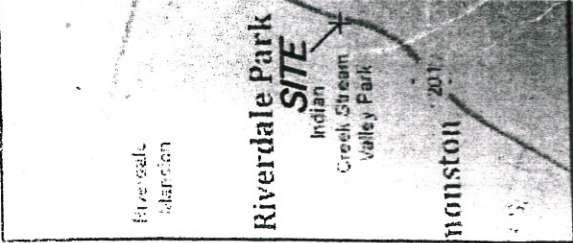
Thank you for taking my call today. Please send me a picture of the alternative material you are proposing for your fence.

Sara Imhulse  
Town Administrator  
Town of Riverdale Park  
5008 Queensbury Road  
Riverdale Park, MD 20737  
301-927-6381









Bldg Permit SECTION # 28128-2013-00

Basmt build-out  
NIC except for stair enclosure work  
See Attachment

N/F LEONARD & GLORIA ROSENBERG  
PIN # 19-2143170  
5405/563  
LOT 1

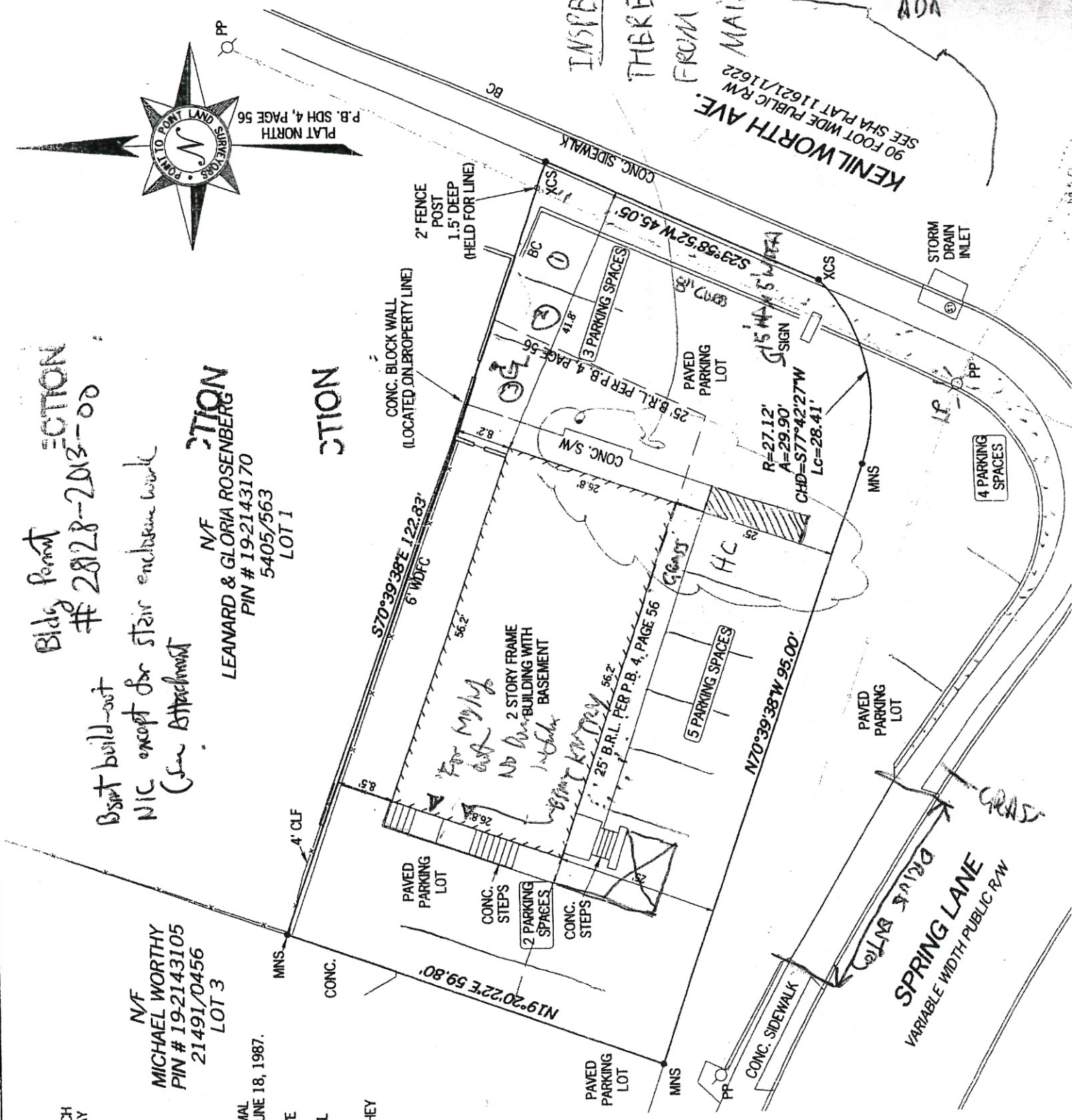
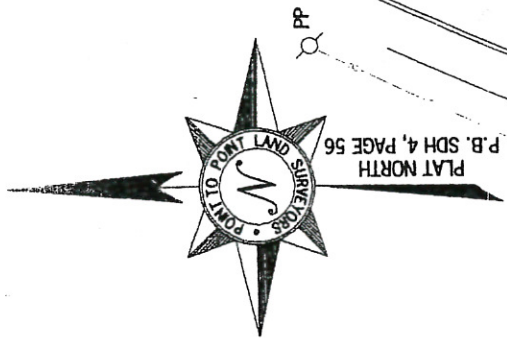
N/F MICHAEL WORTHY  
PIN # 19-2143105  
21491/0456  
LOT 3

DATE: AREA OF MINIMAL IMPACT DATED JUNE 18, 1987.

LOCATED FROM ABOVE...  
FOR MAKES NO...  
SHOWN COMPRISE ALL...  
AND ABANDONED. THE...  
UNDERGROUND...  
LOCATED ALTHOUGH THEY...  
INFORMATION...  
LOCATED THE

SECTION

COMPANY



INSPECTOR TO  
THERE IS ACCESS  
FROM PARKING LOT  
MAIN ENTRANCE

KENIL WORTH AVE.  
90 FOOT WIDE PUBLIC R/W  
SEE SHA PLAT 11621/11622

5400 N. RIVERDALE PARK  
PART 1 SPRING LANE  
PRINCE GEORGE

SPRING LANE  
VARIABLE WIDTH PUBLIC R/W



AMENDED

DPLS-423



**JUSTIFICATION STATEMENT  
For Departure from Parking & Loading Space  
& Departure from Design Standards  
Associated With  
DPLS-423**

**On behalf of  
Rosenberg & Fayne, LLP  
January 25, 2016**

Description of Proposed Use/Request

Project concerns a request for Use and Occupancy for a professional office. The office location is 5400 Kenilworth Avenue in Riverdale, Maryland 20737. We request a Departure from Parking and Loading Standards of 7 parking spaces from the requirement of providing 15 parking spaces.

Description and Location of The Subject Property

The site is 0.161 acres, zoned C-O and is located at the northwest of intersection Kenilworth Avenue and Spring Lane within the Springbrook subdivision. A commercial office exists to the immediate west and apartments exist to the immediate north. The property is bounded by Kenilworth Avenue on the east and Spring Lane on the south.

Required parking per Prince George's County Zoning Ordinance (27-568) for a business office is one parking space per 250 square feet for the first 2,000 square feet of gross floor area, and one parking space per 400 square feet above the first 2,000 square feet of gross floor area. The total gross floor area of the building calculated for the proposed use is 4,485 square feet. A total of 15 parking spaces are required. The site plan proposes 8 parking spaces which include one Van-Accessible space of 16'x19', 5 regular spaces of 9.5' x 19' , and two compact spaces of 8' x 16.5'. A loading space is not required.

We request a departure from the required 15 parking spaces to provide 8 parking spaces for referenced business office use. The office will house a legal office and currently exists to serve the community. It is the owner's desire to convert the basement area to additional office space, which has been accounted for in the parking schedule. There is no proposed disturbance on the site.



An existing right-of-way easement reduces the pavement area which currently exists on the site and thereby restricts potential parking even further.

We also propose to provide a 4' height chain-link fence along partially along the property frontage, within the site's property lines. We wish to install this fence to deter criminal acts as we have experienced vandalism to vehicles. It is our hope that by installing the fence, we would discourage vandalism by forcing people walking across the site away from parked vehicles on our property.

Our request for Approval of a Departure from Parking for DPLS-423 per Zoning ordinance Section 25-588(b)(7) is as follows:

### Required Findings

#### (A).

- (i) *The purposes of this Part (Section 27-550) will be served by the applicant's request*

The Approval of this DPLS will serve the applicant's request as it will allow for expansion of the existing legal office by increasing office space in the basement. The owner will be able to obtain a Use & Occupancy permit which legally recognizes the expansion and the maximum parking spaces allowable on site.

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

The minimum number of parking spaces required for the existing 4,485 square feet office building is 15. We propose to provide 8 vehicular spaces. This request is for approval of a Departure from Parking Standards for 6 additional spaces required for vehicular parking for the office building.

- (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 site has been used as a commercial office since 1998. The special circumstances are that the current site is reduced due to an applicable right-of-way which reduces the ability to provide additional on-site parking. There are no adjacent properties which can be used to provide the required number of spaces in conjunction with the site.

- (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*

We have interpreted the Zoning Ordinance in the strictest terms: namely, 1 space per 250 square feet of for the first 2,000 square feet of gross floor area and 1 space per 400 feet above the first 2,000 square feet of gross floor area.

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

It is not Rosenberg & Payne's intent to burden the neighborhood with parking from its business & legal office operations. An existing Metro Bus stop (R12/T14) is located along the site's frontage along Kenilworth Avenue, which affords public transportation. Residential streets will not be impacted since there is access to public transportation we do not anticipate spillover onto residential streets.

**(B).**

*(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.*

This general character of the parking and loading conditions within (500) feet of the property includes small-business commercial entities and residential, including single-family detached and apartments. The adjoining properties to the respective site do have their own off-street parking and loading facilities. It is not readily apparent that these adjacent properties are currently experiencing a shortage of available parking and loading spaces. The applicant does not propose on-street parking.

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

The proposed law office use associate with this application appears to be consistent and not in conflict with the land use recommendations of the 1994 Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity. The proposed use does not conflict with the sector plan's recommendations for infill mixed-use development to create green, healthy and pedestrian-friendly communities and will not conflict with the master plan for this area, whose vision is to preserve and enhance established residential areas and protect them from encroachment of incompatible uses.

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

The Riverdale Park Town Council has not voted on this application for DPLS-423 to date.

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

No public parking facilities are proposed for this area

(C).

*(i) Public transportation in the area*

Public transportation is available. An existing Metro Bus stop (R12/T14) is located along the site's frontage along Kenilworth Avenue, which affords public transportation. The proposed Purple Line will be less than a 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 proffered which offer alternative design solutions to yield additional parking spaces. The property is currently fully developed and no parking is allowed on Kenilwoth Avenue (MD 201) or along Spring Street.

*(iii) The specific nature of the use and the nature and hours of operation of other business uses within five hundred (500) feet of the subject property .*

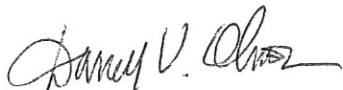
The proposal has no effect on the nature and hours of operation of other businesses uses within 500 feet of the subject property. Most of the adjacent businesses within 500 feet of the subject property have similar business hours of 9am to 5pm.

*(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 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 zoned C-O and the above section is not applicable.

We do hope the Planning Board decides favorably with respect to our application for a DPLS as Rosenberg & Payne, LLP seeks to continue to serve the community in which it is located, which allows the residents from far and need to patronize a law firm located in their respective neighborhood.

DIGITERRA DESIGN, LLC



Darrell V. Oliver  
Consultant for Rosenberg & Fayne, LLP

March 25, 2016

MEMORANDUM

TO: Ivy Thompson, Senior Planner, Zoning Section  
FROM: Debbie Gallagher, Information and Permit Review Supervisor *DS*  
SUBJECT: Rosenberg & Fayne, LLP (DPLS-423)


1. Section 27-563 of the Prince George's County Zoning Ordinance requires each driveway to have connection to the street by means of a twenty-two foot driveway. The Zoning Ordinance does not allow for backing into the right-of-way. It appears that a Departure from Design Standards will be required.
2. Parking spaces 7 and 8 do not have legal access to them, the site plan does not demonstrate a twenty-two foot access as required by Section 27-563. You have to cross parking spaces 3-6 to access space 7 and 8. They should be included in the DPLS request requiring 9 parking spaces to be waived.
3. The access to the dumpster does not appear to be adequate.
4. The site plan must demonstrate that the building will be handicap accessible.
5. The review of this referral does not include the review of any signage.
6. The site plan has a detail of a proposed portico. Is this an addition that needs to be included in the gross floor area? What does not 6 on the site plan state that the building is 675 square feet?
7. The height of the concrete wall must be provided on the site plan.


14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco  
301-952-3972

March 21, 2016

**MEMORANDUM**

TO: Ivy Thompson, Senior Planner, Zoning Section, Development Review Division

VIA: Frederick Stachura, Acting Planning Supervisor, Community Planning Division 

FROM: Zunilda Rodriguez, AICP, Planner Coordinator, Community Planning Division 

SUBJECT: **Rosenberg & Fayne, LLP (DPLS-423)**

**DETERMINATIONS**

The proposed office use at 5400 Kenilworth Avenue is consistent with the 2004 Approved Master Plan and Sectional Map Amendment for Planning Area 68. The existing neighborhood is extensively developed and there is no ability to provide additional parking spaces on adjacent properties. Therefore, the applicant's departure from the parking requirements on this site is warranted.

Applicant is proposing to install a chain-link fence on the property. There are no chain-link fences on adjacent properties or in proximity to the subject site. Therefore, the applicant is advised to consider an alternative type of fencing on the property, such as a wood fence.

**BACKGROUND**

Location: The property is located at the northwest intersection of Kenilworth Avenue and Spring Lane in the Town of Riverdale Park.

Size: 0.161 acres

Existing Uses: Professional office use since 1988 with two parking spaces.

Proposal: The applicant is requesting a departure from the required 15 parking spaces to provide 8 off-site parking spaces for the business office use on this site. The property houses a law office with two existing parking spaces. The applicant is also proposing a four-foot high chain-link fence along the property frontage and side property lines.

**GENERAL PLAN, MASTER PLAN, AND SMA**

This application requires conformance with the applicable General or Master Plan. YES \_\_\_\_\_

**General Plan:** This property is located in the Existing Communities policy area of the Prince George's County Growth Policy Map in the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035).

**Master/Sector Plan:** *2004 Approved Master Plan and Sectional Map Amendment for Planning Area 68*

Planning Area/

Community: Planning Area 68 / Town of Riverdale Park

Land Use: Commercial and office uses.

Environmental: See the Environmental Planning Section referral for comments from the environmental element of the sector plan and the 2005 *Countywide Green Infrastructure Plan*.

Historic Resources: This property does not contain, nor is in proximity to a county designated historic site or historic resource, pursuant to Subtitle 29 of the Prince George's County Code. This property is located within the National Register Historic District of the Town of Riverdale Park.

Transportation: See the Transportation Section referral for comments related to transportation.

Public Facilities: No public facilities are recommended for this property or abut this site.

Parks & Trails: There are no public trails approved for this property. See the Department of Parks and Recreation referral for comments relating to possible park or trail connections.

Aviation/MIOZ: The property is not located within an Aviation Policy Area or an MIOZ area.

**SMA/Zoning:** The 2004 *Approved Master Plan and Sectional Map Amendment for Planning Area 68* retains this property in the C-O (Commercial-Office) zone.

## PLANNING ISSUES

The applicant is proposing a departure from parking standards in the Zoning Ordinance Section 25-588(b)(7). The property at 5400 Kenilworth Avenue has an existing right-of-way easement, which reduces the ability to provide for additional on-site parking spaces. However, the neighborhood is extensively developed and there is no ability to provide additional parking spaces on adjacent properties. The minimum number of required parking spaces for the existing 4,485 square foot building is 15 parking spaces. The 2004 *Approved Master Plan and Sectional Map Amendment for Planning Area 68* recognizes that this area is intended to serve commercial and office uses; therefore, the use is consistent with the vision of this area with respect to land use.

The adopted master plan for this area does not specify fence standards. However, there is a clear vision in the master plan for the inclusion of screening requirements tailored to the existing neighborhood fabric in order to provide a more consistent character to the area. There are currently no chain-link fences installed on adjacent properties to the site or those in proximity. The applicant is advised to consider an alternative type of fence, such as a wood fence. A wood fence would meet the applicant's goal to retain screening of vehicles site while also helping to facilitate physical and visual buffering where non-residential uses abut residential properties as stated in the master plan.

cc: Ivy A. Lewis, Chief, Community Planning Division  
Long-range Agenda Notebook

## Thompson, Ivy

---

**From:** Rodriguez, Zunilda  
**Sent:** Monday, March 14, 2016 4:32 PM  
**To:** Thompson, Ivy  
**Cc:** Stachura, Frederick  
**Subject:** Rosenberg & Fayne LLP - DPLS - 423

Hi Ivy,

Regarding this referral, DSP-423 for 5400 Kenilworth Avenue, these are my comments:

- The applicant refers to the 1994 Sector Plan and SMA for Bladensburg-New Carrollton; however, this property is located in the 2004 Sector Plan and SMA for Planning Area 68 instead. The proposed use is consistent however with the sector plan recommendations for that area. The language in their application should be revised accordingly.

Thanks,  
Zunilda

**Zunilda Rodriguez, AICP**  
**Planner Coordinator**, Community Planning Division  
Prince George's County Planning Department  
The Maryland-National Capital Park and Planning Commission

**Phone:** 301-780-2233  
**Fax:** 301-952-4121  
**Email:** [zunilda.rodriguez@ppd.mncppc.org](mailto:zunilda.rodriguez@ppd.mncppc.org)  
**Address:** 14422 Old Mill Road, Upper Marlboro, MD 20772



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section


(301) 952-3680  
www.mncppc.org

March 3, 2016

**MEMORANDUM**

TO: Ivy Thompson, Zoning Section, Development Review Division

FROM: Eric Jenkins, Transportation Planning Section, Countywide Planning Division

VIA:  Tom Masog, Supervisor, Transportation Planning Section, Countywide Planning Division

SUBJECT: DPLS-423, Rosenberg & Fayne

The Transportation Planning Section has reviewed the departure noted above. The subject site consists of 0.16 acres of land in the C-O Zone. The site is located in the northwest quadrant of Kenilworth Avenue (MD 201) and Spring Lane. The applicant is seeking a departure of 7 parking spaces from the required 15 spaces.

***Review Comments, Departure from Parking and Loading Standards***

The applicant is seeking a departure in parking spaces for an existing two story office building. The total gross floor area of the building will be 4,485 square feet, the owner is converting the basement to office space. A departure from the required 15 parking spaces is requested. The applicant is proposing 8 parking spaces.

The application requests a waiver of the parking standards in the Zoning Ordinance (Section 27-568(a)) to allow a reduction in the number 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 and using parking spaces on adjacent land or streets during that time.

The applicant submitted a justification for the reduction. Existing bus service on Kenilworth Avenue was mentioned. WMATA's bus routes R12 and T14 operate on Kenilworth Avenue. The R12 bus operates in both directions along Kenilworth Avenue between the Deanwood, College Park, and Greenbelt Metrorail stations on thirty minute headways. The T14 WMATA bus runs between the Rhode Island Avenue and New Carrollton Metrorail stations along Kenilworth Avenue. Additional buses run during the AM and PM peak periods, fewer buses run during off-peak hours. Although this is good bus service it is not clear how many employees or potential customers/patrons at the site will use it.

There are single family dwellings on Spring Lane and nearby Greenway Drive, both adjacent to the site. Aerial photographs show a few vehicles parked on these residential streets. No parking is allowed on Kenilworth Avenue, a master plan arterial roadway. It appears there may be room for a few more on-site parking spaces on the east side of the building.

A departure of 7 parking spaces is requested. Staff does not oppose the departure although some consideration should be given to adding a few more on-site spaces if possible.



The site is adjacent to Kenilworth Avenue (MD 201). This roadway is listed in the *Approved Master Plan and Sectional Map Amendment for Planning Area 68*.

Based on these facts and circumstances, the Transportation Planning Section offers no other comments on the parking space departure.



The Maryland-National Capital Park and Planning Commission  
14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772 □ 301-952-3530  
Development Review Division – 301-952-3749 (fax)

**\*\* REFERRAL REQUEST \*\***

Date: 2/26/2016  
To: PRANOY CHOUDHARY, MD. STATE HIGHWAY ADMINISTRATION  
From: IVY THOMPSON, SENIOR PLANNER, ZONING SECTION  
Subject: ROSENBERG & FAYNE, LLP. (DPLS-423)

**IDENTIFICATION OF MAJOR ISSUES DUE DATE\*: 3/14/2016**  
**\*Note:** E-mail any major issues/problems to the reviewer by the above date.

**S D R C DATE: N/A**

**REFERRAL DUE DATE: 3/29/2016**

<input checked="" type="checkbox"/> Full Review of New Plan	<input type="checkbox"/> Revision of Previously Approved Plan
<input type="checkbox"/> Limited or Special Review	<input type="checkbox"/> Plans/Documents Returned for Second Review Following Revision by Applicant

**NOTE: This case is being reviewed at:**  Planning Board level    OR     Planning Director level

COMMENTS: Please email major issues to Ivy Thompson at ivy.Thompson@ppd.mnccpc.org

Related Cases: \_\_\_\_\_

**REFERRAL REPLY COMMENTS:**

*SHA offers no comments to the departure from parking spaces. Any work in SHA R/W will require a SHA plan review & approval.*  
*N PRANDY*

**NOTE: IF YOU HAVE NO COMMENTS, PLEASE INDICATE ABOVE AND FORWARD OR FAX TO THE REVIEWER'S ATTENTION.**