

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed DPLS-404, 6196 Oxon Hill Road (Riverside Office Building), requesting a departure of 96 parking spaces from the required 338 parking spaces for a multiuse commercial office building 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 July 31, 2014, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The property is located on the south side of Oxon Hill Road, across from the Rivertowne Commons and approximately 3,960 feet east of its intersection with Indian Head Highway (MD 210). The site comprises 2.94 acres of land in the C-O (Commercial Office) Zone. The site is improved with a six story-brick building with 70,069 square feet of gross floor area (GFA) which is presently being used for various offices and is associated asphalt parking lot. The property has approximately 145 feet of frontage and a 30-foot-wide driveway accesses on the south side of Oxon Hill Road.

The site has two existing retaining walls on the northeastern border of the site and a six feet high adjacent owner’s iron rod fence along southeaster property line, which separates the adjacent parking garage and parking lot from its adjacent medical office use. The site has many shade trees and evergreen bushes along the existing landscape strips and interior parking lot landscaping areas that are very healthy. Along the south property line, along the vacant residential property, there is some existing heavy natural wooded area which provides screening and buffering form the adjacent development. The asphalt paving of the existing parking lot areas are well maintained. The site also has an existing two faced freestanding sign located within SHA public right-of-way area that has approved permit.

- B. **Development Data Summary:**

| | EXISTING | APPROVED |
|--------------------|--|-----------------|
| Zone(s) | C-O | Unchanged |
| Use(s) | General office, Medical office and Bank | Unchanged |
| Acreage | 2.94 | Unchanged |
| Lots | 1 | Unchanged |
| Parcels | N/A | N/A |
| Square Footage/GFA | 70,069 | Unchanged |
| Dwelling Units: | N/A | N/A |

- C. **History:** The existing office building was originally built in 1987 under Permit 4796-1986-CGU. Since that time, a number of building permits for changes in use or occupancy have been approved

for bank, office and medical office uses. The last permit was to convert current vacant square footage of the existing building into a medical office which use has triggered the necessity for additional parking spaces; therefore, this departure is necessary.

D. Master Plan Recommendation:

General Plan—The subject property is located adjacent to the National Harbor Regional Transit Center within the C-O Zone of the Developed Tier. This application is consistent with the 2014 Approved Plan Prince George’s 2035 General Plan Development Pattern Policies.

Master Plan—This application is located within the Oxon Hill Community which is in conformance with the land use policy of the 2006 Approved Master Plan and Sectional Map Amendment for Henson Creek-South Potomac Planning Area.

E. Request: The applicant is requesting a departure of 96 parking spaces from the required 338 parking spaces in the Zoning Ordinance, to convert current 16, 388 square feet of existing vacant general office space into a medical office use for a total of 62, 062 square feet of medical office space. Such a conversion requires higher parking requirements than general office uses. The entire six-story building is comprised of 70,069 square feet gross floor area. The existing 242-space parking lot on-site does not provide sufficient parking spaces to meet the Zoning Ordinance requirements, resulting in a need for the departure of 96 parking spaces.

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

North— Across Oxon Hill Road, is River Towne Commons Shopping Center, in the C-S-C Zone.

East— Existing medical office building in the C-O Zone.

South— Adjacent to the site is vacant residential land, in the R-18C (Multifamily Medium Density Residential Condominium) Zone with an approved detailed site plan for multifamily residential buildings.

West— Contiguous to the site is existing public library in the C-O Zone.

G. Design Requirements:

1. **Number of Required Parking and Loading Spaces**—Section 27-568(a)(6) of the Zoning Ordinance requires one parking space for every 200 square feet of gross floor area (GFA) for medical practitioners office/medical clinic. A medical office comprised of 62,062, square feet of GFA requiring a total of 311 parking spaces.

Section 27-568(a)(6) of the Zoning Ordinance also requires one parking space for every 250 square feet for the first 2,000 square feet of GFA and one 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 4,452 square feet of general office space which generates a total of 15 parking spaces.

Section 27-568(a)(6) of the Zoning Ordinance also requires one parking space for every 250 square feet for the first 2,000 square feet of GFA and one space for each additional 400 square feet above the first 2,000 square feet of GFA for bank, savings and loan association or other savings or lending institute. According to the applicant's parking schedule, the site has a total of 3,555 square feet of bank space which generates a total of 12 parking spaces.

According to the previously approved detailed site plan, the subject site has 242 approved parking spaces, including eight spaces for the physically handicapped. Per the Zoning Ordinance, a total of 338 parking spaces are required for the various uses within the subject building. The site plan shows a total of 242 parking spaces including eight physically handicapped spaces. The plan is deficient of 96 parking spaces. Therefore, the Departure from the Parking and Loading Spaces requirements is needed.

Section 27-582(a) (Schedule of Loading Spaces) of the Zoning Ordinance requires only one loading space for Office building or office building complex (including banks) comprising 10,000–100,000 square feet of GFA. In this instance, the proposed 70,069-square-foot office-building complex requires only one loading space and one loading space is provided on the site plan.

2. **2010 Prince George's County Landscape Manual**—The site is exempt from the 2010 Prince George's County Landscape Manual pursuant to Section 1.1(b) which states:

Existing conditions on developed sites not in conformance with the requirements of this manual that were otherwise lawful on December 13, 2010, and not the subject of any building or grading permit, may continue as a matter of right.

3. **Signs**—The review of this plan does not include the review of any signs. Any sign that will be placed on the property must meet all area, height and setback requirements.

H. **Tree Canopy Coverage:** The subject application is exempt from the requirements of the Tree Canopy Coverage Ordinance as it will not result in excess of 5,000 square feet of disturbance to the site.

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

1. **Transportation Planning**—In memorandum dated July 2, 2014, the Planning Board concurs that the applicant has presented a reasonable justification for granting the departure with condition listed at the end of this report.

2. **Community Planning**—In a memorandum dated June 12, 2014, the Planning Board stated the site is consistent with both General Plan development pattern policies and conforms with the land use policy of the 2006 Approved Master Plan and Sectional Map Amendment for Henson Creek-South Potomac Planning Area.
3. **Urban Design**—No specific recommendations regarding the subject application have been submitted.
4. **Permit Review**—Comments have been addressed in the revised site plan.

J. **Required Findings:** Departure from Parking and Loading Standards.

Section 27-588(b)(7)(A)

(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.**

The purposes as to the proposed parking regulations stated in Section 27-550 are as follows:

(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 building uses;**
- (2) To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;**
- (3) To Protect the residential character of residential areas; and**
- (4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

The purposes of the parking regulations will be served by the applicant's request. The purposes seek to ensure sufficient parking and loading areas to serve the needs of the uses and to aid in relieving traffic congestion on the streets by

reducing the use of public streets for parking and loading. The plan proposes to provide one loading spaces as required by the Zoning Ordinance.

The applicant is also providing enough parking spaces to meet the needs of its customers and employees. In order to determine the number of necessary parking spaces that are required to adequately serve the use on the site, a parking analysis was conducted by Lenhart Traffic Consulting, Inc. (LTCI), dated January 8, 2014, for the subject site with various uses. The applicant's parking survey was performed from 10 AM to 3 PM on Monday December 16, 2013, Wednesday December 18, 2013 and Thursday December 19, 2013. The submitted parking study revealed that the maximum parking demand for the existing 53,681 square feet of existing uses requires 155 spaces, which equates to a parking demand of 2.89 spaces per 1,000 square feet of floor area. The existing parking supply of 242 spaces translates into a parking supply ratio of 4.54 spaces per 1,000 square feet of existing tenant occupation. With the additional 16,389 square feet of medical uses, the calculated parking supply would reduce to 3.48 spaces per 1,000 square feet, and both are significantly higher than the actual peak parking demand of 2.89 spaces per 1,000 square feet.

Additional supporting documents provided by the applicant's traffic consultant from the Parking Generation Institute of Transportation Engineers (ITE), show that the peak-parking demand for similar sites surveyed across the nation ranges from 2.94 to 3.46 parking spaces per 1,000 square feet.

Upon reviewing the information provided by the applicant, the Planning Board indicated that the applicant had presented a reasonable justification for granting the parking departure with recommended conditions at the end of this report.

(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 existing site development encompasses nearly 90 percent of the property leaving no practical areas to provide more parking spaces. While the existing parking has already been placed ten feet from the eastern, western and southern boundaries, there are two existing retaining walls on the eastern border of the site which further limits the possibility of the parking lot enlargement. There is no space on the site to accommodate 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 requested 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 site is surrounded by existing commercial and residential development from a three side and public right-of-way from another side. There is simply no space on the site to accommodate additional surface parking. It is therefore recognized that the departure minimum is necessary.

(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 explored and found impractical to further reduce the parking requirement. The applicant has applied the correct method for calculating the number of spaces required. The applicant has also provided maximum number of compact spaces. Due to site constraints, there is no other parking standards that can be applied to provide additional surface parking to further reduce the parking requirement.

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

With the adjacent use of office to the east, public library to the west, Oxon Hill Road to the north, and the vacant wooded residential land to the south, it is not likely that there will be any infringement on adjacent residential area. Further, there will be more than enough parking spaces on-site to accommodate all proposed uses, thus residential streets will not be impacted.

Section 27-588(b)(7)(B)

(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 this facility.

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

The proposed use of this site is in conformance with the recommendations of the 2006 Approved Master Plan and Sectional Map Amendment for Henson Creek-South Potomac Planning Area. The proposed uses are consistent with the plans 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. There are no comments or recommendations submitted by a municipality.

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

There are no public parking facilities proposed for this area.

Section 27-588(b)(7)(C)

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

(i) Public transportation available in the area.

The subject property is within 125 feet walking distance of a bus stop that are located on Oxon Hill Road. The applicant does not anticipate any significant use of public transportation by their patrons. However, the applicant's development team has worked closely and cooperatively with staff to improve the use of alternative modes of transportation to make the site more pedestrian friendly. They have agreed to reconfigure the existing parking area to provide an ADA (Americans with Disabilities Act) accessible walkway from the front of existing building across the parking lot and extending it to connect with the existing sidewalk along Oxon Hill Road.

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

There are no alternative design solutions to yield additional parking spaces. The parking demand that will be generated by the proposed use will be adequately satisfied with the existing 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 500 feet of the subject property.

The specific nature of the use for the existing building is office, bank and medical office. The hours of operation vary with each use but are mostly consistent with hours of

operation from 8:00 a.m.–6:00 p.m. The adjacent use to the west is a branch of the Prince George’s County Library System, whose hours of operation are 10:00 a.m. to 9:00 p.m. Monday through Wednesday; 10:00 a.m. to 6:00 p.m. on Thursday and Friday; and 10:00 a.m. to 5:00 p.m. on the weekends. The other existing office buildings in the areas generally operate from 8:00 a.m. to 6:00 p.m.

- (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 issuance of any Use and Occupancy permit, the applicant shall provide the following improvements to the site:
 - a. A direct Americans with Disabilities Act (ADA) accessible walkway extending from the sidewalk in front of the subject building through the parking lot to the existing sidewalk along Oxon Hill Road.
 - b. Relocate the proposed bike racks as close as possible to the main building entrance or provide directional signs in front of the building directing bikers to the bike racks.
2. Revise the site plan to show handicap ramp on the proposed walkway on north side of the parking lot.

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 Shoaff, seconded by Commissioner Washington, with Commissioners Shoaff, Washington, Bailey and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, July 31, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of July 2014.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:TA:arj