

Case No.: S.E. 4467

Applicant: Chestnut Oaks
Senior Housing

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 7 - 2008

AN ORDINANCE to approve an amendment of conditions for a
Planned Retirement Community.

WHEREAS, on February 28, 2005, the District Council approved
Application No. S.E. 4467 for a Planned Retirement Community, on
approximately 21.2 acres of land in the R-E Zone, located on the
northwest side of Palmer Road, approximately 3,600 feet east of its
intersection with Indian Head Highway and approximately 2,700 feet
west of Tucker Road, Fort Washington, Maryland; and

WHEREAS, the applicant has filed a request with the District
Council to amend certain conditions adopted pursuant to S.E. 4467;
and

WHEREAS, the Technical Staff and the Zoning Hearing Examiner
have reviewed the proposed amendments and have filed
recommendations with the District Council; and

WHEREAS, the applicant's request was posted prior to public
hearing, in accordance with all requirements of law; and

WHEREAS, on February 13, 2008, the applicant's request was reviewed in public hearing before the Zoning Hearing Examiner; and

WHEREAS, having reviewed the record and the testimony and exhibits presented at the public hearing, the District Council has determined, that the application should be granted; and

WHEREAS, to protect adjacent properties and the surrounding neighborhood, this special exception is granted subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts the recommendations of the Zoning Hearing Examiner as its findings of facts and conclusions of law in this case;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

Section 1. The Applicant's requested amendment is hereby approved, subject to the following conditions:

1. The following note shall be placed on the Special Exception Site Plan and on the Type I Tree Conservation Plans: The installation of structures and roads and the removal of vegetation are prohibited within the expanded stream buffer without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.
2. Architectural design elements shown on the elevations for the southern and western facades of the building shall be applied consistently on other building facades.
3. A Type II Tree Conservation Plan shall be approved prior to the issuance of any grading or building permit.
4. Age restrictions in conformance with the Federal Fair Housing Act shall be set forth in covenants and filed in the land records prior to the issuance of a use and occupancy permit.
5. Prior to the issuance of any permits which impact

jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the Applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and the Applicant shall submit associated mitigation plans

Section 2. This Ordinance shall take effect on the date of its enactment.

Enacted this 24th day of March, 2008, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Dernoga, Exum,
Knotts, Olson and Turner

Opposed:

Abstained:

Absent:

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council