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File No. 4-12020

WHEREAS, Presidential Care, LLC. is the owner of a 7.91-acre parcel of land known as Tax Map 53 in Grid A-2 and is also known as Parcel 45, said property being in the 13th Election District of Prince George's County, Maryland, and being zoned Rural Residential (R-R); and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-12020 for Sycamore Hill Assisted Living was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on July 11, 2013, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, on July 11, 2013, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Delineate the imaginary surfaces area of the interim land use control (ILUC) line.
 - b. Revise Note 5 to add the total assisted dwelling units is to be 63.
 - c. Revise Note 26 to include the statement that Special Exception SE-4667 is currently pending.
 - d. Submit the revised approved Stormwater Management Concept Plan and revised Note 13 in accordance with the revised plan.
 - e. Revise Note 25 to state the following:

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“This property lies partially within the JLUS Interim Land Use Controls area as established by Subtitle 27, Part 18 (CB-3-2012).”

- f. Show a minimum ten-foot-wide public utility easement (PUE) along the entire frontage of Lottsford Vista Road.
 - g. Remove the Parcel One/Parcel Two line.
2. Development of this site shall be in conformance with Stormwater Management Concept Plan 46822-2005-02 and any subsequent revisions.
3. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
- a. Remove tree protection fencing and signs from the plan and legend. Remove all associated details from the plan.
 - b. Revise the legend as follows:
 - (1) Remove symbols for elements that are not required to be shown on the plan (tree conservation signs, fence, and slopes);
 - (2) Include all symbols shown on the plan; and
 - (3) Show the limit of disturbance symbol as it is shown on the plan.
 - c. Provide a graphic bar scale on the plan.
 - d. Show all existing features and label their proposed disposition (to remain vs. to be removed).
 - e. Revise the existing tree line to be darker and more legible.
 - f. Revise the TCP1 notes as follows:
 - (1) Revise Note 1 to reflect the correct preliminary plan number (4-12020);
 - (2) Revise Note 10 to indicate that the project is not grandfathered with respect to County Council Bill CB-27-2010; and
 - (3) Revise Note 11 to reference the correct stormwater management concept number (46822-2005), and provide the approval date.

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- g. Revise the Specimen Tree table to change the condition rating score of Trees 3 and 4 to poor and excellent, respectively.
 - h. Provide a note below the Specimen Tree table to indicate how the trees were located (field estimated or survey located).
 - i. Revise the woodland conservation areas to ensure they meet the minimum required width of 50 feet.
 - j. Show stormwater management easements if required by the Department of Public Works and Transportation and remove proposed reforestation from the easements.
 - k. Update the woodland conservation worksheet to reflect plan changes.
 - l. Have the revised plan signed and dated by the qualified professional who prepared it.
4. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:
- “This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and Folio reflected on the Type 2 Tree Conservation Plan, when approved.”
5. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:
- “Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
6. The detail site plan and Type 2 tree conservation plan shall be designed to accommodate appropriate landscape and signage treatments for the frontage of historic Lottsford Vista Road in accordance with the *Prince George's County Landscape Manual*.
7. Prior to approval of the detailed site plan, the landscape buffer yard treatment and entrance features along historic Lottsford Vista Road shall be reviewed to ensure that the design is in keeping with the desired visual characteristics of the historic road.
8. At the time of final plat, the applicant and the applicant's heirs, successors and/or assignees shall grant a ten-foot-wide public utility easement along the public rights-of-way of Lottsford Vista Road as delineated on the approved preliminary plan of subdivision.

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9. The applicant and the applicant's heirs, successors, and/or assignees shall construct an eight-foot-wide sidewalk in accordance with county standards and specifications along the subject site's entire frontage of Lottsford Vista Road, unless modified by the Department of Public Works and Transportation.
10. A substantial revision to the mix of uses on the subject property that significantly affects Subtitle 24 adequacy findings may require the approval of a new preliminary plan of subdivision prior to approval of any building permits.
11. Total development within the subject property shall be limited to uses which generate no more than 18 AM and 27 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
12. At the time of final plat approval, the applicant and the applicant's heirs, successors, and/or assignees shall dedicate 40 feet of right-of-way from the State Highway Administration (SHA) baseline on Lottsford Vista Road as delineated on the approved preliminary plan of subdivision.
13. At the time of final plat, the following note shall be placed on the plat:

"This plat lies partially within the JLUS Interim Land Use Controls area as established by Subtitle 27, Part 18 (CB-3-2012)."

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Setting**—The subject site is located on Tax Map 53 in Grid A-2 and is known as Parcel 45. The property consists of 7.91 acres within the Rural Residential (R-R) Zone. Parcel 45 was created by deed, has never been the subject of a preliminary plan of subdivision (PPS) approval, and is a legal parcel. The current configuration of Parcel 45 is the result of the conveyance of 14,178 square feet of land at the northwest portion of Parcel 45 to the State Highway Administration (SHA) by deed recorded in Prince George's County Land Records in Liber 6873 and Folio 383 in 1987, and was a legal division of land by deed. The property is currently improved with a 6,378-square-foot adult day care facility for 15 persons, which is to be razed.

The property is located on the east side of Lottsford Vista Road between Vista Linda Drive and Vista Grande Drive, and across from Cleary Lane. The neighboring properties to the north and east are in the R-R Zone and developed with single-family detached dwellings. The property to the south and west is in the Reserved Open Space (R-O-S) Zone, is currently undeveloped, and is in the ownership of The Maryland-National Capital Park and Planning Commission (M-NCPPC).

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3. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	APPROVED
Zone	R-R	R-R
Use(s)	Adult day care (6,378 square feet to be razed)	Senior assisted housing & adult day care (65,608 square feet-new)
Acreage	7.91	7.91
Lots	0	0
Outparcels	0	0
Parcels	1	1
Dwelling Units	0	63
Public Safety Mitigation Fee	No	No
Variance	No	Yes (Section 25-122(b)(1)(G))
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on March 29, 2013.

4. **Community Planning**—The 2002 *Prince George's County Approved General Plan* designates the subject property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The preliminary plan is consistent with the 2002 General Plan Development Pattern Policies for the Developing Tier by proposing a low density senior housing and adult day care development. Approval of this application does not violate the General Plan's growth goals for the year 2025, upon review of Prince George's County's current General Plan Growth Policy Update.

The subject property is located in the 1990 *Largo-Lottsford Approved Master Plan and Adopted Sectional Map Amendment* and master plan classified this property in the R-R (Rural Residential) Zone. The Largo-Lottsford Master Plan (page 63) places the property within the Enterprise Community, Neighborhood B. The master plan recommends (page 63) that the predominant future land use should continue to be as follows:

"... high quality single-family detached units at a Low Suburban density. The one exception is a planned retirement community behind the nursing home."

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The applicant proposes to demolish the existing adult day care facility and replace it with a new assisted living complex that would include elderly housing and a rebuilt adult day care facility. The Largo-Lottsford Master Plan sets forth specific development policies for the Enterprise Community (pages 63-65). These policies make specific buffering recommendations (page 64, second bullet) for the subject site as follows:

“Special attention should be paid to providing buffering between the Retirement Community behind the Villa Rosa Nursing Home and adjacent properties. The retirement community will be a different housing style (attached units instead of detached) and density than the surrounding neighborhood. The retirement units should be set back from adjacent houses, and existing vegetation should be preserved or additional plantings provided. In addition, access should be only from Lottsford Vista Road; street connections from the retirement community to adjacent subdivisions should not be provided.”

The current proposal would result in a larger facility than the existing use. Although the planned retirement community mentioned in the Largo-Lottsford Master Plan was never built, there remains the need to buffer the proposed assisted living complex from the surrounding single-family detached residences. For this reason, the applicant should ensure that the new development complies with the Largo-Lottsford Master Plan recommendations for buffering the site from surrounding residences at the time of the detailed site plan. Finally, the master plan recommends access to the site only from Lottsford Vista Road, which is shown on the plan. Overall, the preliminary plan conforms to the land use recommendation for residential uses of the 1990 *Largo-Lottsford Approved Master Plan and Adopted Sectional Map Amendment* for low-density suburban residential.

The southern portion of his property (south of the intersection of Lottsford Vista Road and Cleary Lane) is within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) area. This portion of the property is within Imaginary Surface F, establishing a height limit of 500 feet above the runway surface. The property is outside of the 65 dBA and above noise contour. It is also outside of the Accident Potential Zones (APZs). Though these categories do not impact the subject property, they should be noted on the preliminary plan of subdivision.

5. **Zoning**—Adult day care centers and assisted living facilities are permitted by special exception in the R-R Zone in accordance with Sections 27-332, 27-464.04, and 27-441(b) Table of Uses (Footnote 77) in the Zoning Ordinance. Footnote 77 of Section 27-441(b)(2) states the following:

Up to seventy-five (75) dwelling units are permitted only if adjoining and operated by the same organization as an adult day care use, approved by Special Exception. All assisted living facilities standards and requirements in Part 6, Division 5, must be met, including Detailed Site Plan approval under Part 3, Division 9. (CB-110-2004)

A special exception application, SE-4667, has been filed for the subject property for the proposed use of the adult day care center and assisted living facility. Special Exception SE-4667 is currently

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under review. Prior to building permit, the applicant is required to obtain approval of a DSP for the assisted living facility in accordance with Part 3, Division 9, of the Zoning Ordinance.

The site is currently improved with a 6,378-square-foot adult day care center for 15 persons, which was approved under Special Exception SE-4256. Special Exception SE-4256 was originally approved by the District Council on November 24, 1997. At that time, it was determined that the use was suitable and compatible with the character of the surrounding properties and the general neighborhood. The pending SE-4667 for assisted living and adult day care facilities for the site, if approved, will supersede previously approved SE-4256. All of the existing structures associated with SE-4256 on the site are to be removed.

6. **Urban Design**—The 2010 Landscape Manual and the Zoning Ordinance contain site design guidelines and requirements that are applicable to the development of this property.

2010 Prince George's County Landscape Manual

The application is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). More particularly, the application is subject to Section 4.2, Commercial and Industrial Landscaped Strip Requirements; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.5, Stormwater Management Facilities; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Conformance with the requirements of those sections will be evaluated at the time of special exception and DSP reviews. These requirements include a minimum 20-foot-wide landscaped Section 4.6 bufferyard along the property's entire frontage on Lottsford Vista Road, a designated historic roadway, and a Type "B" Section 4.7 bufferyard, including a 30-foot building setback and a 20-foot-wide landscape yard, along the northern property line, adjacent to single-family detached houses.

Zoning Ordinance

A special exception approval, subject to Footnote 77, is required for an assisted living facility in the R-R Zone in accordance with Section 27-441 of the Zoning Ordinance. The adult day care also requires a special exception approval. The subject site has a pending special exception application, SE-4667, which was accepted for review in 2010. Footnote 77 then states: "All assisted living facilities standards and requirements in Part 6, Division 5, must be met, including Detailed Site Plan (DSP) approval under Part 3, Division 9." Therefore, a DSP is also required for the proposed development.

At the time of DSP review and approval, the development is required to conform with Zoning Ordinance regulations including, but not limited to, the following:

Section 27-428, R-R Zone (Rural Residential)
Section 27-441, Use Table (Residential Zones)
Section 27-442, Regulations (Residential Zones)
Section 27-582 of Part 11, Parking and Loading
Part 12, Signs

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It should be noted that the requirements of Part 6, Division 5, Section 27-464.04, include a recreational facilities plan demonstrating that sufficient recreational facilities or opportunities are provided to serve the prospective residents. This section also requires that the recreational areas be clustered together to increase levels of activity, use of amenities, and the sense of vitality of the community. The recreational facilities plan will be evaluated at the time of special exception and DSP reviews.

7. **Environmental**—This PPS has been reviewed for conformance to the environmental regulations within Division 5 of the Subdivision Regulations, the Woodland and Wildlife Habitat Conservation Ordinance (WCO), and the appropriate area master plan. A signed Natural Resources Inventory (NRI-048-06) and Type 1 Tree Conservation Plan (TCP1-010-10) for the subject property has been received and reviewed.

Conformance to the Master Plan

The 1990 *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73* does not contain any environmental policies or strategies specific to the subject site as part of the review of this application.

Conformance with the Green Infrastructure Plan

The entire site is located within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan) and includes all three designations: regulated, evaluation, and network gap areas. There are two regulated areas located on the northeastern and south-southeastern portions of the property. The regulated area on the south-southeastern portion of the site is associated with an off-site regulated stream. A small area of network gap is located on the northwestern corner of the site, adjacent to the intersection of Lottsford Vista Road and Vista Grande Drive. The remainder of the site is mapped as evaluation area.

The Type 1 Tree Conservation Plan, TCP1-010-10, submitted with the subject application shows a small area of woodland preservation and significant reforestation along the regulated areas. Portions of the regulated and evaluation areas are proposed to be graded to accommodate stormwater management and site grading. The combination of preservation and reforestation as proposed is in general conformance with the Green Infrastructure Plan.

The following policies support the stated measurable objectives of the Green Infrastructure Plan:

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The subject property contains all three designations of the Green Infrastructure Plan, with regulated environmental features located along the south-southeastern property line. There is an off-site stream and the stream buffer located on-site. The portion of the buffer that is currently

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wooded will remain undisturbed and afforestation measures are proposed in the remaining open buffer areas.

Policy 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.

This development proposal is to construct a two-story assisted living facility with parking. The site has a Stormwater Management Concept Approval Letter (26822-2005-02); however, no approved plan was submitted. The TCP1 shows one proposed retention pond on the southern portion of the site abutting Lottsford Vista Road for water quality and quantity purposes. The TCP1 also shows two water quality areas. The pond outfall will convey water to a grass swale and ultimately to the adjacent off-site stream system along the southern boundary. Untreated off-site stormwater from the west side of Lottsford Vista Road is also being piped on-site, and is shown to be conveyed to a swale connecting with the pond's stormwater.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

The property is partially wooded and is subject to the WCO. The project proposes to remove 86 percent of the on-site woodlands and meet the 3.05-acre requirement with on-site and off-site woodland conservation measures including a significant amount of reforestation focused in the most sensitive areas of the site (adjacent to the stream). There are seven specimen trees on-site and six of these trees are proposed to be removed.

The TCP1 shows extensive grading due to the existing topography for parking, the proposed building, and stormwater management structures. A total of 1.83 acres of reforestation is proposed on-site.

Policy 4: Promote environmental stewardship as an important element to the overall success of the Green Infrastructure Plan.

The use of environmentally-sensitive building techniques and overall energy conservation should be encouraged.

Policy 5: Recognize the green infrastructure network as a valuable component of the county's Livable Communities Initiative.

All three areas (regulated, evaluation, and network gap) are located on-site with the largest area mapped as evaluation area. There are two regulated areas located on the northeastern and south-southeastern portions of the property. The woodlands that are proposed to be saved and the areas proposed to be reforested are located within the regulated and evaluation areas.

The proposed tree conservation is in conformance with the Green Infrastructure Plan.

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Environmental Review

An approved Natural Resources Inventory, NRI-48-06-01, signed July 18, 2011 was submitted with the application. There is a stream buffer and PMA found to occur on the subject property. The forest stand delineation indicates one forest stand totaling 2.57 acres and seven specimen trees. No additional information is required with respect to the NRI.

A review of the information available indicates that there are no streams, wetlands, or floodplain on the subject property; however, there is PMA along the southern portion of the property associated with an intermittent stream located on the adjacent property. The site drains to an unnamed tributary of Folly Branch in the Patuxent River basin. There are steep slopes located on-site and the predominant soil types on the site are Collington-Wist Urban land complex, Marr-Dodon complex, and Marr-Dodon-Urban land complex. Marlboro clay is not found to occur in the vicinity of this property. This information is provided for the applicant's benefit. The county may require a soils report in conformance with County Council Bill CB-94-2004 during the building permit review process. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or adjacent to this site.

The property is subject to previous approvals including previously approved tree conservation plans; however, because this project is being reviewed as a new PPS, the project is not grandfathered with respect to the WCO effective September 1, 2010.

The woodland conservation threshold (20%) for this site is 1.58 acres. The total amount of required woodland conservation based on the amount of clearing currently proposed is 3.05 acres. The woodland conservation requirement is proposed to be satisfied with 0.36 acre of preservation, 1.83 acres of reforestation, and 0.86 acre of off-site woodland conservation credits. The reforestation and preservation is located in a priority area within the regulated and evaluation areas of the Green Infrastructure network.

The plan requires technical revisions to be in conformance with the WCO. A Type 1 tree conservation plan (TCP1) is conceptual in nature and should not show final construction measures such as tree protection fence and signs. These elements should be removed from the plan and all associated details should also be removed. A graphic bar scale needs to be added to the plan. The legend needs to be revised to remove symbols that are not required to be shown on a TCP1 (tree conservation signs, fence, and slopes) and all symbols used on the plan should be added to the legend. The symbol used for the limits of disturbance on the plan needs to be accurately reflected in the legend. All existing features need to be shown on the plan; specifically, the existing buildings need to be shown with their proposed disposition labeled (to remain vs. to be removed). The existing tree line is difficult to see on the plan and should be made darker for plan clarity.

The TCP1 notes need to be revised as follows: Note 1 needs to reference the correct preliminary plan number (4-12020); Note 10 needs to indicate that the plan is not grandfathered from CB-27-2010; and Note 11 needs to reference the correct stormwater management concept number (46822-2005-02) and approval date.

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The Specimen Tree table needs to be revised to change the condition rating (good, fair, excellent, etc.) based on the condition rating scores that have been shown on the plan. In accordance with Section 4.2.3.c of the Environmental Technical Manual, Specimen Trees 3 and 4 need to be revised as poor and excellent, respectively. A note needs to be added below the specimen tree table to indicate how the trees were located (field estimated vs. survey located).

The proposed reforestation area labeled as 0.43 acre needs to be slightly modified to ensure that all edges are a minimum of 50 feet wide. All proposed easements need to be shown on the plan; specifically, any stormwater management easements needed for the proposed drainage swales and structures. Any proposed reforestation areas located within any on-site stormwater management easement areas should be removed. The woodland conservation worksheet should be updated to reflect changes made to the reforestation areas.

In accordance with Section 25-122(d)(1)(B), woodland conservation is required to be placed in a conservation easement, which will be required at the time of approval of the Type 2 tree conservation plan (TCP2). The liber and folio of the easement will be reflected on the TCP2.

The site has frontage on Lottsford Vista Road, a master-planned collector roadway which is not regulated for noise. To the north of the site, John Hanson Highway (US 50), a master-planned freeway roadway, is located approximately 600 feet from the closest on-site property line. John Hanson Highway is regulated for noise when a residential use or outdoor activity area is proposed. A noise barrier wall is located along US 50. The existing noise barrier will suppress the traffic noise on the subject property since the site is over 600 feet away from the noise source. The project area will not be impacted by noise levels above 65 dBA Ldn. No additional information is required with regard to noise.

Lottsford Vista Road was designated a historic road in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and has the functional classification of collector. Any improvements within the right-of-way of a historic road are subject to approval by the Prince George's County Department of Public Works and Transportation (DPW&T) under the *Design Guidelines and Standards for Scenic and Historic Roads*.

The Landscape Manual addresses the requirements with regard to buffering scenic and historic roads. These provisions will be evaluated at the time of the review of the DSP. Adjacent to a historic road, the Landscape Manual requires a Section 4.6 landscape buffer (Buffering Development from Special Roadways) based on the property being located within the Developing Tier. In the Developing Tier, the required buffer along a historic road is a minimum of 20 feet wide to be planted with a minimum of 80 plant units per 100 linear feet of street frontage, excluding driveway openings. The 20-foot-wide scenic buffer is required to be provided behind the public utility easement. Landscaping is a cost effective treatment which provides a significant visual enhancement to the appearance of a historic road.

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The design of the landscape buffer and entrance treatment proposed along Lottsford Vista Road should be reviewed at the time of the associated DSP to ensure that the overall treatment is in keeping with the desired visual characteristics of the historic road; integrated into an overall streetscape treatment along Lottsford Vista Road; which should include coordination of signage, materials, and plant species choices.

8. **Primary Management Area (PMA)**—This site contains primary management area along the southern portion of the property associated with an intermittent stream located on the adjacent property that are required to be protected under Section 24-130 of the Subdivision Regulations. Section 24-130(b)(5) states:

- (5) **Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.**

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by the Prince George's County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

If impacts to the regulated environmental features are proposed, a statement of justification must be submitted in accordance with Section 24-130 of the Subdivision Regulations. A statement of justification for the proposed impacts was submitted on March 6, 2013 and dated February 6, 2013.

The PPS shows that the PMA is located within proposed Parcel 1. Pursuant to Section 24-130(b)(5), any lot should have sufficient net lot area outside the regulated feature for

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reasonable development. Proposed Parcel 1 is 7.53 acres of gross lot area and the PMA on-site is 0.41 acre. Under the R-R Zone, the net lot area requirement is 20,000 square feet; however, pursuant to Section 27-464.04(a)(2)(C), under the assisted living facilities use, the lot area has to have a minimum of 3.50 acres. Parcel 1 has 7.12 acres outside of the PMA, therefore, Parcel 1 meets the requirement of Section 27-464.04(a)(2)(C) and Section 24-130(b)(5) in terms of sufficient net lot area outside of the regulated feature.

The PPS proposes one impact to the PMA in order to install vegetative stormwater drainage to direct the project stormwater to an off-site stream system. This impact will cause 1,600 square feet of disturbance to the stream buffer including 390 square feet of woodlands being removed.

The proposed impact has been minimized to ensure that adequate drainage conveyance channels will be provided to direct stormwater from two stormwater management systems to the adjacent off-site regulated stream.

The impact related to stormwater management is considered necessary for the orderly development of the subject property. The impact cannot be avoided because it is required by other provisions of the County Code. The development is providing water quality and quantity controls and the impact has been designed to minimize, to the fullest extent possible, impacts to the PMA.

Primary Management Area Conclusions

Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan submitted for review. The impact area that is approved in concept is for the construction of a vegetated stormwater drainage swale in the stream buffer because these site features are required by other provisions of the County Code and cannot be avoided.

9. **Variance to Section 25-122(b)(1)(G)**—Type 1 tree conservation plan (TCP1) applications are required to meet all of the requirements of Subtitle 25, Division 2 (the Woodland and Wildlife Habitat Conservation Ordinance (WCO)), which includes preservation of specimen trees pursuant to Section 25-122(b)(1)(G) which states:

Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual.

If after careful consideration has been given to preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of the WCO provided all of the required findings in Section 25-119(d) can be met and the request is not less stringent than the requirements of the applicable provisions of the Code of Maryland Regulations (COMAR). An application for a

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variance must be accompanied by a letter of justification stating the reasons for the request and how the request meets each of the required findings.

A Subtitle 25 variance application and a statement of justification in support of a variance were submitted by the applicant and were stamped as received by the Environmental Planning Section on March 6, 2013.

The Specimen Tree table on the TCP1 shows the removal of six of the seven on-site specimen trees. The limits of disturbance on the plan also show that these six trees (Specimen Trees 1, 2, 3, 5, 6, and 7) are to be removed and one tree (Specimen Tree 4) to be preserve.

Section 25-119(d) of the WCO contains six required findings **[text in bold]** to be made before a variance can be granted. The letter of justification submitted seeks to address the required findings for all six specimen trees as a group; however, details specific to individual trees has also been provided. The approach to the analysis is supported because there are similar concerns for all of the trees with respect to the required findings and because the location, species, and condition of the trees have been assessed separately as necessary.

(A) Special conditions peculiar to the property have caused the unwarranted hardship.

Condition rating scores were generated for the specimen trees on this site in accordance with Section 4.2.3c of the Technical Manual (which references The Guide to Plant Appraisal prepared by the Council of Tree & Landscape Appraisers and published by the International Society of Arboriculture). The condition rating scores range from 69 to 94 with conditions such as poor, fair, good, and excellent.

The six trees (Tulip Poplar, Red Oak, and Silver Maple) proposed for removal are located in areas where intense grading and structures are proposed. These trees are located in the central and northeast corner of the site. A 36-inch White Oak will remain along the northeastern property corner. The condition and location of the specimen trees proposed for removal are a special condition peculiar to the property; specifically due to the topography which ranges in elevation between 130-190 feet and would require intense grading to bring the site to a developable grade and allow positive drainage.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.

Without proper grading, the site would not be developable and flooding may be an issue. If other properties include trees in similar locations and in similar condition on a site, the same considerations would be provided during the review of the required variance application.

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- (C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.**

The proposed grading in the location of the specimen trees is necessary to bring the site to a developable level and ensure positive drainage. Several trees are located centrally and their preservation would preclude reasonable development of the site. If other properties include trees in similar locations and in similar condition on a site, the same considerations would be provided during the review of the required variance application. Approval of this variance will not constitute a special privilege to the applicant.

- (D) The request is not based on conditions or circumstances which are the result of actions by the applicant.**

The applicant has not taken any previous action on the subject property.

- (E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.**

The requested variance does not arise from a condition relating to the land or building use, either permitted or nonconforming, on a neighboring property. There are no existing conditions on the neighboring properties that have any impact on the location or size of the trees.

- (F) Granting of the variance will not adversely affect water quality.**

Granting the variance to remove the specimen trees will not directly affect water quality because the reduction in tree cover caused by specimen tree removal is minimal. Specific requirements regarding stormwater management for the site will be further reviewed by DPW&T.

Based on the preceding analysis, the required findings of Section 25-119(d) have been addressed for the removal of six specimen trees based on the information provided, and the Planning Board approved the variance to remove Specimen Trees 1, 2, 3, 5, 6, and 7, and the preservation of Specimen Tree 4.

10. **Stormwater Management**—DPW&T, Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Letter, 46822-2005-02, was approved on May 28, 2013 and is valid until May 28, 2016; however, the associate approved plan was not submitted. The approved concept letter requires water quality and quantity controls to be provided by a retention pond as shown on the plan. Prior to signature approval of the PPS, a copy of the approved stormwater management concept plan should be submitted. Development must be in accordance with the approved plan or any subsequent revisions.

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The approved stormwater management concept plan is required to be designed in conformance with any approved watershed management plan, pursuant to Subtitle 32, Water Resources and Protection, Division 3, Stormwater Management Plan, Section 172, Watershed Management Planning, of the County Code. As such, the requirement of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan, has been addressed with the approval of the stormwater management concept plan by DPW&T.

11. **Parks and Recreation**—In accordance with Section 24-134(a)(3)(B) of the Subdivision Regulations, the proposed development is exempt from mandatory dedication of parkland because the net lot area is greater than one acre and the site is in a one-family zone, the R-R Zone.
12. **Trails**—This PPS has been reviewed for conformance with Section 24-123 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), and the appropriate area master plan in order to implement planned trails, bikeways, and pedestrian improvements.

The area master plan designates Lottsford-Vista Road as a master plan trail corridor (Master Plan, Map 9, page 111). There are no county-funded capital improvement projects to construct a trail at this time. It should be noted that the subject site abuts M-NCPPC parkland to the south and east along the Folly Branch Stream Valley Park corridor. The MPOT, Complete Streets Section, Policy 2, recommends that all road frontage improvements and road capital improvement projects within the Developed and Developing Tiers should be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical. A wide sidewalk should be constructed along the subject site's frontage.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations.

13. **Transportation**—The parcel is located on the east side of Lottsford Vista Road at the intersection of Cleary Lane and south of John Hanson Highway (US 50). The applicant is proposing an assisted living and adult day care facility of 65,608 square feet of gross floor area (GFA).

Analysis of Traffic Impacts

The proposal is not of sufficient size that it will generate 50 or more vehicle trips, and so a full traffic study was not required. The traffic generated by the proposed PPS would impact the following intersections, interchanges, and links in the transportation system:

- Lottsford Vista Road and Cleary Lane

A traffic count for the intersection of Lottsford Vista Road and Cleary Lane was submitted. The traffic count was taken in November 2012. The findings and recommendations outlined below are

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based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals" (Guidelines).

The subject property is located within the Developing Tier, as defined in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Guidelines.

Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. Once the CLV exceeds 1,150 for the intersection, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The existing parcel is improved with a senior day care facility for 15 adults. The existing structures, including a pavilion and barn, are proposed to be demolished and replaced with an assisted living facility and adult day care center of 65,608 square feet of GFA. Access to the site would be from a two-lane driveway opposite Cleary Lane on Lottsford Vista Road along the western edge of the property. The previous use was approved pursuant to Special Exception SE-4256. That approval allowed for the existing adult day care facility for 15 adults in the former single-family dwelling and four additional new buildings, which were never constructed.

The existing 15-person adult day care center is to be relocated into the new proposed assisted living facility with the demolition of the existing structures. The new assisted living facility of 65,608 square feet will include 63 dwelling units in the senior housing section. This would be a two-story structure. The proposed uses, adult day care and assisted living facility, are low traffic generators. The proposed uses in the 65,608-square-foot building with 63 assisted living units (78 occupants) and the 15-person adult day center will generate 18 AM peak-hour trips and 27 PM peak-hour trips.

A traffic count was taken in November 2012 and submitted by the applicant. Under existing conditions, there is a delay of 15.8 seconds in the AM peak hour and 18.2 seconds in the PM peak

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hour at the critical intersection. Background traffic was developed by increasing through movements on Lottsford Vista Road by two percent (one percent per year) to account for average traffic growth. No approved developments in the immediate area were identified. Under the background traffic conditions, there is a delay of 18.6 seconds in the AM peak hour and 21.9 seconds in the PM peak hour. With site traffic added under total traffic conditions, the delay is 18.8 seconds during the AM peak hour and 22.1 seconds during the PM peak hour. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. It is determined that the critical intersection operates acceptably as an unsignalized intersection.

Master Plan Roadway

Lottsford Vista Road is a master plan collector with a recommended right-of-way width of 80 feet in the 1993 *Approved Master Plan and Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70)*. The subject property has approximately 908.89 feet of frontage on Lottsford Vista Road. From the northwest corner of the property, 448.20 feet of frontage (14,178 square feet) on Lottsford Vista Road was dedicated to the State Highway Administration (SHA) by deed recorded in Liber 6873 and Folio 383 in 1987. This PPS proposes to dedicate, from the southwest corner of the property, 460.69 feet of frontage (16,653 square feet) on Lottsford Vista Road. The dedication of 40 feet from the SHA baseline of Lottsford Vista Road is shown correctly on the PPS.

The proposed two-lane driveway serving Parcel 1 will intersect Lottsford Vista Road at Cleary Lane, creating a four-way intersection, which is desirable. There is a wide driveway (30 feet) at the site access point. A roundabout in front of the proposed building will provide easy turnarounds for cars and vans and is adjacent to the building entrance. Vehicular access within and to the site is adequate.

Based on the preceding findings, adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.

14. **Schools**—The proposed PPS has been reviewed for its impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the “Adequate Public Facilities Regulations for Schools” (County Council Resolutions CR-23-2001 and CR-38-2002) and concluded that the subdivision is exempt from a review for schools because it is a senior housing use (Section 24-122.02(b)(2)) and will have no impact on school facilities.
15. **Fire and Rescue**—The proposed PPS has been reviewed for adequacy of fire and rescue services in accordance with Sections 24-122.01(d) and 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations and found to be within the recommended response times:

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Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
6	St. Joseph's	Engine	2901 St. Joseph's Drive	2.07	3.25	Within
6	St. Joseph's	Ladder Truck	2901 St. Joseph's Drive	2.07	4.25	Within
6	St. Joseph's	Ambulance	2901 St. Joseph's Drive	2.07	4.25	Within
6	St. Joseph's	Paramedic	2901 St. Joseph's Drive	2.07	7.25	Within

Capital Improvement Program (CIP)

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

16. **Police Facilities**—The proposed development is within the service area of Police District II, Bowie. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2011 (U.S. Census Bureau) county population estimate is 871,233. Using 141 square feet per 1,000 residents, it calculates to 122,843 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.

17. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval."

The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 4, Community System Adequate for Development Planning. A water and sewer Category 3, obtained through the administrative amendment procedure, must be approved for the site before recordation of a final plat.

Water and sewer lines in Lottsford Road abut the property. Records obtained from Washington Suburban Sanitary Commission indicate that the property is currently served via a water tap built and connected circa 1969, and a sewer connection built and hooked up in 2007.

18. **Health Department**—The Prince George's County Health Department has evaluated the proposed PPS and has no comments.
19. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

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“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The PPS shows a small portion of public utility easement (PUE) to be less than ten feet wide adjacent to the existing asphalt driveway access point across from Cleary Lane. The PPS should be revised to show a ten-foot-wide PUE along the entire frontage of the public rights-of-way as requested by the utility companies and will be required on the final plat.

20. **Historic**—A Phase I archeological survey was conducted on the subject property in May 2008. One Archeological Site, 18PR944, was identified through pedestrian survey and shovel testing. Based on the small non-diagnostic artifact recovery, the lack of stratigraphic integrity, and the existing cultural features, it was determined that Site 18PR944 likely postdates the construction of the 1951 residence on the property. It was concluded that Site 18PR944 does not represent a significant cultural resource nor is it eligible for listing in the National Register of Historic Places. Staff concurred that, due to the lack of stratigraphic integrity and the limited research potential of Site 18PR944, no additional archeological work is necessary on the Sycamore Hill property. Four copies of the final Phase I archeology report were received and approved by the Historic Preservation Section on March 22, 2010.
21. **Use Conversion**—The subject application is proposing senior assisted housing of 63 dwelling units and an adult day care for 15 persons in the R-R Zone, a designated institutional land use. An approved special exception and a detailed site plan are required for the proposed uses on the site. If a substantial revision to the mix of uses on the subject property is proposed that significantly affects Subtitle 24 adequacy findings, that revision may require the approval of a new preliminary plan of subdivision prior to approval of any building permits.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with Circuit Court for Prince George’s County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

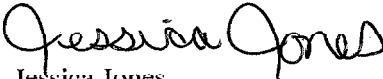
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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Shoaff opposing the motion at its regular meeting held on Thursday, July 11, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of September 2013.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:QN:arj

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 7/31/13