

Prince George's County Special Exception Application No. 4332, Alternative Compliance No. 99039

Applicant: Molly T. Smith, Owner

Location: The subject property is located on the west side of Harwood Road, between Harwood Court and Roslyn Avenue

Request: Applicant proposes to increase the number of residents in an existing congregate living facility from 8 to 12 residents

R E S O L U T I O N

WHEREAS, the applicant has requested a special exception for a congregate living facility in accordance with Section 27-344 of the Prince George's County Zoning Ordinance; and

WHEREAS, the Technical Staff Report released January 19, 2000, recommended Approval with conditions; and

WHEREAS, upon receipt of additional information the Technical Staff revised the conditions of approval of the Technical Staff Report by amending Condition Nos. 1, 3 and 4 and by adding a new condition; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on February 10, 2000, the Prince George's County Planning Board agreed with the staff recommendation and adopts the staff analysis and recommendation, as verbally amended at the hearing, as its own in this case.

WHEREAS, the Planning Board recommendation is based on the findings and conclusions found in the Technical Staff Report and the following DETERMINATIONS:

A. Specific Special Exception Requirements: **Pursuant to Section 27-344, a congregate living facility for more than eight (8) elderly or physically handicapped residents, as defined by Section 12-168(a) of this Code, may be permitted, subject to the following:**

(1) There is a demonstrated need for the facility.

Citing a document (Applicant's Exhibit A) published by Maryland Office of Planning, Planning Data Services, the applicant stated that the age 65 and over population group is projected to increase by 32 percent to 65,946 in the year 2000 and to increase an additional 42 percent to 93,583 in the year 2010. The applicant maintains that as the population in the County continues to live longer and in greater numbers the demand for facilities providing services for seniors has also shown a significant increase. There are currently 81 senior residential facilities in Prince Georges County, including Congregate Living Facilities and Senior Assisted Housing Facilities (Applicant's Exhibit B)

The applicant indicated that three of the 81 facilities, including the subject facility are located within the District Heights/Forestville area. The two facilities, the Clagatte House and Our House, each has a maximum capacity of four residents and there is a waiting list of elderly residents who wish to reside at the subject facility that is currently operating at its maximum capacity with eight residents. The applicant believes that the existing facilities in the area can not adequately satisfy the demand in the immediate area.

- (2) **The facility is in compliance with the physical requirements of Subtitle 12, Division 7, of this Code, and shall be operated in accordance with the licensing and other requirements of that Subtitle.**
- (3) **There shall be a separate bedroom of a minimum of one hundred (100) square feet for each resident, or a separate bedroom of a minimum of one hundred and sixty (160) square feet for every two residents, or any combination of the above, so as to satisfy the accommodations requirements of the ARegulations for Congregate Living Facilities@ (required by Section 12-173(d) of this Code), for the maximum number of permitted residents.**

The applicant=s statement of justification indicates that the facility will meet all of the applicable requirements of State and County Ordinances, the requirements of Subtitle 12, Division 7, of this Code, and that it will be operated in accordance with the licensing and other requirements of that Subtitle. A 1,080-square-foot addition to the facility was constructed in 1996. The proposed increase in the number of residents will utilize this space.

The applicant indicated that the facility has sufficient square footage to accommodate the requested population increase to 12 residents. The issue of safety, security and adequacy of internal building space will be addressed as part of the licensing process.

- B. **Parking Regulations: Section 27-568 of the Zoning Ordinance requires one parking space for every four residents of a congregate living facility.**

The subject congregate living facility will have 12 residents. A total of three spaces are required (12)4=3 spaces); Only one space is provided. A departure is required and sought (DPLS- 256) for the two spaces that are not provided.

- C. **Loading Requirements: Section 27-582 of the Zoning Ordinance requires one loading space for every 10,000 square feet of gross floor area (G.F.A)**

Since the proposed facility is less than 10, 000 square feet of gross floor area, no loading space is required.

- D. **Landscape Manual Requirements: The proposal is subject to the landscaping, buffering and screening requirements of the *Landscape Manual* through the approval of a landscape plan.**

The applicant applied for Alternative Compliance in conjunction with this application. On December 20, 1999, the Planning Director recommended APPROVAL for AC-99039 (refer to attachment). The landscape plan submitted with the Alternative Compliance application is different from the plans submitted for the other three applications. Therefore, these plans (SE-4332 and DPLS-256) must be revised in accordance with the site/landscape plans submitted with the Alternative Compliance application.

- E. Zone Standards: The site plan conforms to all other development standards of the R-55 Zone.
- F. Sign Regulations: No sign is shown on the site plan. Any freestanding sign that will be placed on the property must be delineated on the approved site plan, and it must meet all area, height and setback requirements.
- G. Other Issues: The special exception site plan must show the total square footage of the existing facility. In addition, the name of the street shall be corrected on the site plan to read A HARWOOD ROAD.@ The parking schedule shall be revised to indicate 12 residents, and the rear yard setback shall be dimensioned in accordance with Section 27-107.01(a)(140) of the Zoning Ordinance.
- H. **Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:**

(1) The proposed use and site plan are in harmony with the purposes of this Subtitle.

The fundamental purposes of the Zoning Ordinance, as found in Section 27-102, are to protect the health, safety and welfare of the public and promote compatible relationships between the various types of land uses. Review of the applicant=s site plan indicates no potential conflicts with these fundamental purposes. The applicant=s proposal to care for a total of 12 elderly residents, at a time when the number of elderly County residents is increasing, serves the health, safety and welfare aspects of these purposes.

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.

With the recommended conditions and approval of the companion applications for Departures and Alternative Compliance, the proposed use conforms to all requirements of the Zoning Ordinance.

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Master Plan, the General Plan.

The 1985/86 Approved Master Plan and SMA for Suitland-District Heights and Vicinity retained this property in the R-55 Zone with suburban density development at 3.6 to 5.7 dwelling units per acre. The subject property is located within a residential community,

on the west side of Harwood Road and within the incorporated boundaries of the City of District Heights. The proposed increase in the number of residents of the subject congregate living facility will not substantially impair the integrity of the Master Plan.

- (4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**
- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area, and there is no indication that it would be detrimental to the use or development of adjacent properties or the general neighborhood. The use has been in existence at the same location for over five years providing services for a maximum of eight residents. The increase in the number of residents by four will not cause a notable adverse impact on the immediate neighborhood or its residents.

The proposed landscape plan recommended for approval through the Alternative Compliance process will provide screening and buffers to protect the privacy and mitigate potential adverse noise and traffic impacts to the adjacent residential properties. The proposal meets or exceeds all minimum setback requirements, including the requirements for front, rear and side yards. The proposal also meets the lot coverage requirements. A field inspection reveals that there is adequate on-street parking available along Harwood Road to accommodate the need for the two parking spaces that the applicant was not able to provide on the property.

- (6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

A Tree Conservation Plan is not required because the property is less than 10,000 square feet in area.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board recommends that Special Exception No. 4332 and Alternative Compliance No. 99039 be APPROVED, subject to the following conditions:

1. The special exception site/landscape plan shall be revised in accordance with the landscape plan for Alternative Compliance No. 99039. The plan shall also include notations to reflect approvals of DPLS-256 and AC-99039.
2. The special exception site plan shall show the total square footage of the existing facility. In addition, the name of the street shall be corrected on the site plan to read A HARWOOD ROAD.@ The parking scheduled shall be revised to indicate 12 residents, and the rear yard setback shall be dimensioned in accordance with Section 27-107.01(a)(140) of the Zoning Ordinance

3. Prior to the issuance of use and occupancy permit, the applicant shall submit documentary evidence of compliance with the licensing and other applicable requirements of Subtitle 12.
4. The site/landscape plan shall be revised to show a driveway width of a minimum of 11 feet.
5. The site/landscape plans in the record of DPLS-256 shall be consistent with the approved special exception site/landscape plan.

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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 Brown, seconded by Commissioner Boone, with Commissioners Brown, Boone and Hewlett voting in favor of the motion, and with Commissioner McNeill at its regular meeting held on Thursday, February 10, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of March 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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