



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Revision of Site Plan

ROSP-4197-03

Application	General Data	
Project Name: Hillhaven Nursing Center Location: Northwest side of Powder Mill Road, approximately 200 feet south of Pleasant Acres Drive. Applicant/Address: Malin Group, LLC 3210 Powder Mill Road Hyattsville, MD 20783 Owners Address: Malin Group, LLC 3210 Powder Mill Road Hyattsville, MD 20783	Planning Board Hearing Date:	N/A
	Staff Report Date:	02/16/17
	Date Accepted:	12/19/16
	Planning Board Action Limit:	N/A
	Plan Acreage:	6.84
	Zone:	R-R
	Gross Floor Area:	N/A
	Lots:	2
	Parcels:	N/A
	Planning Area:	61
	Council District:	01
	Election District	01
	Municipality:	N/A
	200-Scale Base Map:	214NE03

Purpose of Application	Notice Dates	
Revision of a site plan to add a 400-square-foot addition to the main building.	Informational Mailing	N/A
	Acceptance Mailing:	N/A
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: Taslima Alam Phone Number: 301-952-4976 E-mail: Taslima.alam@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

PLANNING DIRECTOR DECISION
Limited Departures and Revisions to Approved Plans

Application No: Revision of Site Plan ROSP-4197-03

Project Name: Hillhaven Nursing Center

Reviewer's Name: Taslima Alam, Senior Planner, Zoning Section, Development Review Division

- A. **Site Description:** The subject property is located on the northwestern side of Powder Mill Road (MD 212), approximately 0.5 miles south of Cherry Hill Road. It has frontage on MD 212. The site consists of approximately 6.84 acres of land. However, the application wrongfully shows the size of this site to be 5.39 acres. The application should be corrected. It is developed with an approximately 92,754 square feet building, with a 51-space parking lot and a 126-bed nursing home. The site is comprised of Lots 1 and 2 of Malin Subdivision, recorded in Plat Book NLP123-90 which was approved on June 13, 1985, and Tax Parcel 24 recorded in Liber 7881 folio 306. The subject property is zoned Rural Residential (R-R).
- B. **History:** The subject property was placed in the R-R Zone by adoption of the 1949 Comprehensive Zoning Map Amendment. The first Special Exception, SE-713, was approved on the subject site on November 30, 1961 for a nursing home with five beds. Following the initial approval, there were several other special exceptions approved on the subject site for various reasons. The approvals were to permit expansions to the existing nursing home, to increase the number of beds, to permit a freestanding sign, and to relocate parking spaces on the site. The subject Lots 1 and 2 are subject to Preliminary Plan of Subdivision 4-84115, which was approved on September 6, 1984 subject to three conditions, which have no affect on this application. On January 21, 1997, another special exception was approved to permit expansion of the nursing home from 60 beds to a 126-bed facility with a two-story (54,536 gross floor area (GFA)) addition. Alternative Compliance No. 95081 was approved in conjunction with this special exception. Subsequently, Revision of Site Plan SE-4197/01 was approved on October 6, 1998 to allow changes to redesign the parking lot and loading configurations, and to increase the total gross floor area of the building to 92,754 square feet, containing 126 beds. Finally, Revision of Site Plan SE-4197/02 was approved by the Zoning Hearing Examiner for the purposes of adding minor site improvements including a gazebo, fire access, and the revision of the parking plan.
- C. **Request:** The applicant is proposing a minor revision to an approved special exception site plan to add a 400-square-foot extension to the western side of the existing nursing home building. The extension will be used for a new dining area only for the residents of the facility. This area will not be utilized as a food preparation/kitchen space.

- D. **Landscape Manual/Tree Canopy Coverage:** The subject application is exempt from the requirements of the 2010 *Prince George's County Landscape Manual* and the Prince George's County Tree Canopy Coverage Ordinance.
- E. **Required Findings:** Section 27-325(a) of the Zoning Ordinance authorizes the Planning Board and the Planning Director to approve certain minor changes to approved special exception site plans.

Section 27-325(b) Minor changes, Planning Board.

- (1) **The Planning Board is authorized to approve the following minor changes:**
- (A) **An increase of no more than fifteen percent (15%) in the gross floor area of a building;**
 - (B) **An increase of no more than fifteen percent (15%) in the land area covered by a structure other than a building;**
 - (C) **The redesign of parking or loading areas; or**
 - (D) **The redesign of a landscape plan.**

Comment: The proposed revision will not increase the GFA of the use beyond 15 percent and is, therefore, eligible for review as a minor change.

Section 27-325(c). Limited minor changes, Planning Director.

- (1) **The Planning Director is authorized to approve minor changes administratively, without public hearing, in cases listed in (b), but only if the proposed minor changes are limited in scope and nature, including an increase in gross floor area or land covered by a structure other than a building up to ten percent (10%). The Director shall deny any administrative approval request proposing site plan changes which will have a significant impact on adjacent property.**
- (2) **Before approving a minor change, the Director shall make all findings the Planning Board would be required to make, if it reviewed the application.**
- (3) **The Director is not authorized to waive requirements in this Subtitle, grant variances, or modify conditions, considerations, or other requirements imposed by the Planning Board or District Council in any case.**
- (4) **The applicant's property shall be posted within ten (10) days of the Director's acceptance of filing of the application. Posting shall be in accordance with Section 27-125.03. On and after the first day of posting, the application may not be amended.**
- (5) **The Director may waive posting after determining, in writing, that the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property.**
- (6) **If posting is waived or a written request for public hearing is not submitted within the posted time period, then the Director may act on the application. The Director's approval concludes all proceedings.**

- (7) **If the Director denies the application or a timely hearing request is submitted, then the application shall be treated as re-filed on the date of that event. The applicant, Director, and Technical Staff shall then follow the procedures for Planning Board review in (a) above.**

Comment: The proposed revisions to add a 400-square-foot increase in GFA will not increase the GFA beyond ten percent. The proposed increase will only increase the GFA by 0.43 percent and is therefore, eligible for review by the Planning Director. The changes proposed are truly limited in scope and nature, and thus will not have a significant impact on adjacent properties.

Section 27-317(a) provides the following criterion for approval:

- (a) **A Special Exception may be approved if:**
- (1) **The proposed use and site plan are in harmony with the purpose of this Subtitle;**
 - (2) **The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;**
 - (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;**
 - (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; and**
 - (6) **The proposed site plan is in conformance with an approved Tree Conservation Plan.**
 - (7) **The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

Comment: The Prince George's County District Council, in approving the original site plan, found that the subject use met the above criteria. Staff believes these findings continue to be valid.

- F. **Determinations:** In a memorandum dated January 27, 2017, the Subdivision Section stated that, although the development proposed with this application does not include any addition to the building on Tax Parcel 24, it should be noted that development on this parcel is limited in accordance with Section 24-107(c)(7) of the Subdivision Regulations. Any development on Tax Parcel 24 that is greater than 5,000 square feet will require the approval of a new preliminary plan of subdivision. The memorandum further stated that there appears to be a 35-foot error in the distance provided along the southwestern property line of Lot 2 where it abuts Tax Parcel 24. The site plan should be revised to reflect the bearings and distances in accordance with the record plat.

Otherwise, the proposal complies with all of the requirements of the R-R Zone and Section 27-317 of the Zoning Ordinance. All conditions of previous approvals have been satisfactorily addressed. The criteria for granting the proposed Revision of Special Exception ROSP-4197-03 are met. Staff finds that the proposed minor revisions to add a 400-square-foot, or 0.43 percent, extension to the existing building is so limited in scope that it will have no appreciable impact on either adjacent properties or the approved site plan.

G. **Recommendation:** APPROVAL of Revision of Site Plan ROSP-4197-03, subject to the following conditions:

1. Prior to signature approval of the site plan, the following revisions shall be made:
 - a. Provide the lot coverage calculation on the site plan.
 - b. Reflect the bearings and distances in accordance with the record plat, exclusive of any right-of-way that was dedicated per the record plat.
 - c. Clarify on the plan if the owners of the single-family lot same owners, if so revise the application to show both of the owner's names on the application.
 - d. Correct the size of the lot on the application to match the site plan as 6.84 acres.

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APPROVED BY AUTHORITY OF:
Debra Borden, Interim Planning Director

Date: _____

By: _____
Christina Pompa, Interim Zoning Supervisor