

Prince George's County Revision of Site Plan Special Exception No. 4197/2 and AC-95081

Applicant: **Robert Manzi (Joyce Malin, Owner)**
Gary Wimberly, Correspondent

Location: **Northwest side of Powder Mill Road 200' southwest of Pleasant Acres Drive.**

Request: Minor revisions to the approved special exception site plan and landscape plan in accordance with Section 27-325(c)(1)

R E S O L U T I O N

WHEREAS, the applicant is requesting approval of a minor change to Special Exception No. 4197 in accordance with Section 27-325(c) of the Prince George's County Zoning Ordinance; and

WHEREAS, under this provision the applicant is proposing revisions **to provide for potential fire access, ramps and handicap spaces, to remove part of the canopy, revise deck, gazebo arbor structure and retaining walls, to eliminate some of the walkway and to revise the landscape plan to accommodate the site plan revisions;** and

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with the adopted Rules of Procedure of the Prince George's County Planning Board; and

WHEREAS, the Technical Staff Report released on November 29, 2000, recommends, APPROVAL, with condition; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on DECEMBER 7, 2000, the Prince George's County Planning Board agreed with the staff recommendation; and

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

- A. Location and Field Inspection: The subject property is located on the northwest side of Powder Mill Road (MD 212), approximately 0.5 miles south of Cherry Hill Road. It has approximately 467 feet of frontage on Powder Mill Road. The site consists of approximately 6.8 acres of land and is developed with a one-story, 27,000-square-foot building that houses a 60-bed nursing home facility. A single-family detached dwelling is located on the southwestern portion of the property. An asphalt parking lot is located to the northeast of the existing facility. The improvements sit on a plateau approximately 4 to 12 feet above Powder Mill Road. The property slopes down to the rear, to the Paint Branch Stream Valley. The rear portion of the property is wooded and contains a stream as well as steep slopes. A three-story addition that was approved in Special Exception 4197 and

Revision of Site Plan SE 4197/ 1 is currently under construction on the northern portion of the property.

2. History: The property was placed in the R-R Zone by adoption of the 1949 Comprehensive Zoning Map. Special Exception 713 was approved on November 30, 1961, permitting a nursing home with five beds on the site. Special Exception 1757 was approved on July 17, 1968, to permit expansion of an existing nursing home with 18 beds. Special Exception 3505 was approved on May 23, 1984, to permit expansion of an existing nursing home with 60 beds. The property was retained in the R-R Zone by adoption of the Subregion I Sectional Map Amendment on October 2, 1990. Revision of Site Plan SE-3505 was approved on April 4, 1991, to permit a freestanding sign and relocation of parking spaces. Special Exception 4197, was approved on January 21, 1997 to permit expansion of an existing nursing home to a 126-bed facility with a two-story (54,536 GFA) addition. Alternative Compliance No. 95081 was approved in 1997 in conjunction with SE-4197. Revision of Site Plan SE 4197/1 was approved on October 6, 1998 to allow changes to redesign the parking lot and loading configuration, and to increase the total gross floor area to 92,754 sq. ft., containing 126 beds.
- C. Master Plan Recommendation: The 1990 Subregion I Master Plan recommends the site for Suburban Residential use at a density of 1.85 dwellings per acre.
- D. Request: The applicant requests Planning Board approval of a minor change to an approved site plan for a nursing home (ROSE 4197/1) to allow several minor modifications. The proposed revisions are needed **to provide for potential fire access, ramps and handicap spaces, to remove part of the canopy, revise deck, gazebo and arbor structure, and to eliminate some of the walkway. The proposal also includes a revision of the landscape plan to accommodate the site plan revisions.**
- E. Neighborhood and Surrounding Uses: The neighborhood in which the subject site is located, is generally defined by Coffman Road to the north, Cherry Hill Road to the east, Powder Mill Community Park to the south, Paint Branch Stream Valley Park to the west and the US Naval Surface Weapons Laboratory to the Northwest. The immediate area surrounding the site is characterized by single-family residential dwellings and institutional uses.

The property is surrounded by single-family homes (Pleasant Acres Subdivision) to the northeast, single-family homes and a small nursing home (Paint Branch Home) to the southwest in the R-R Zone and the US Naval Surface Weapons Laboratory to the north-northwest in the O-S Zone. Paint Branch Unitarian Church and Montessori School are located across Powder Mill Road to the southeast of the subject property.
- F. Minor Change Provisions: **Section 27-325(c)(1) permits changes of site plans for property of greater than five (5) acres, provided that either of the following two situations exist:**
 - (A) **Situation No. 1**
 - (i) **There is a proposed increase in gross floor area of a building or in land area covered by a structure other than a building (over that approved on the**

original site plan) which is not greater than fifteen percent (15%) of the gross floor area or covered land area; or

- (ii) There is proposed relocation (in any direction) of any improvement (approved on the original plan) which is not greater than fifteen percent (15%) of the distance to the boundary line of the Special Exception property of (20) feet, whichever is less.**

(B) Situation No. 2

- (i) There is a proposed change in the design of a parking lot or loading area; or**
- (ii) There is a proposed change in a landscape plan.**

The applicant is proposing to make the following revisions to the site and landscape plans:

1. Relocate two of the handicap parking spaces to accommodate the entrance for a potential fire access road (gravel).
2. Relocate the pedestrian ramp in the service area to the back of the trash enclosure.
3. Eliminate the enclosed connection between the addition to the basement of the existing building as well as the wood deck that was to cover it on the main level.
4. Eliminate a portion of the canopy that covered the walks in the front of the building. A canopy remains over the drop-off area and connects to the building at the main entry.
5. Revise the retaining walls in the front of the building, including the grading in front of the building and the sidewalk connecting the building area.
6. Add underground stormwater piping in the courtyards, rather than splash blocks, to collect runoff from the adjacent roofs.
7. Eliminate some of the walkways and potential arbor structure in the courtyard of the addition.
8. Revise the wood deck in the back of the addition to a future wood deck. Also revise the Gazebo structure in the front of the building to a future Gazebo to allow the construction of these elements at a later date.
9. Adjust the elevation of the loading dock/ramp to eliminate a 3-inch step-down from the door into the building at this area. The ramp has also been extended approximately 10 to 12 feet to intersect the curb in this location.

10. Extend the small retaining wall on the front northeast corner of the building. The grading in this area had to be lowered to accommodate the HVAC units that project from the building. The retaining wall has to be extended to accommodate the changes in slope.
11. Minor adjustment to the elevations of the retaining wall between the service drive and the existing building
12. Move back the ■relocated sign• 10 feet behind the right-of-way line.
13. Adjust the location of the fence enclosure at the service yard to provide more room for utilities and adjust the sidewalk to conform to the new fence location.
14. Revise the landscape plan to accommodate the proposed site plan revisions.

These proposed revisions will not change the foot print or/and gross floor area of the building (92,754 square feet) that was approved in ROSP SE-4197/1. Moreover, the revisions will not affect the size of the previously approved green area and would not reduce the number of parking and loading spaces. The revisions, however, result in a slight decrease (less than one percent) in lot coverage. No improvement is proposed to be relocated 20 or more feet from the boundary line of the special exception property.

The applicant's proposal meets the requirements of the *Landscape Manual* with the exception of the southwestern property line where the proposal fails to meet the required 30-foot building setback. Alternative Compliance No. 95081 has been approved for the building setback deficiency in conjunction with SE-4197.

G. **Specific Special Exception Requirements: Pursuant to Section 27-364(a) (6) of the Zoning Ordinance, a nursing or care home for 11 or more persons is permitted, subject to the following requirements:**

- (A) **Total area - . acre, plus 1,000 contiguous square feet for each person cared for above 10;**
- (B) **Street frontage - 150 feet;**
- (C) **Setback - 25 feet from all boundary lines of the Special Exception.**

Based on the subject nursing home's 126-bed capacity, a total area of 137,780 square feet (3.16 acre) is required $[(21,780 + (126-10) \times 1000) = 137,780 \text{ square feet (3.16 acres)}]$. The subject property has 467 feet of frontage on Powder Mill Road from which it is accessed. The facility, including the proposed expansion is setback at least 25 feet from all boundary lines.

The proposal complies with all of these requirements.

- H. Parking Regulations: **Section 27-568 of the Zoning Ordinance requires one parking space for every three beds.**

According to the parking schedule on the proposed plan, 51 parking spaces, including five spaces for the physically handicapped are provided for the proposed facility, exceeding the required number of spaces by 9, based on the approved number of beds. With the exception of the proposed relocation of the two handicap parking spaces, there is no new change introduced with regard to the general parking area lay out or the number of parking spaces. The two handicap parking spaces will be relocated immediately south of their previous location to accommodate the entrance for the proposed 15-foot-wide fire access road.

- I. Loading Requirements: **Section 27-582 of the Zoning Ordinance requires one loading space for a nursing home comprising between 10,000 to 100,000 square feet of gross floor area (GFA).**

The proposal conforms to this requirement. One loading space is required and provided for the proposed nursing home which comprises 92,754 square feet of gross floor area. With the proposed revision, the ramp from the loading dock in the service area will be modified to eliminate a three-inch step-down from the door into the building in this area. The ramp has also been extended approximately 10-12 feet to intersect the curb in this location.

- J. Landscape Manual Requirements: **Section 27.328.02(a) •Landscaping, Buffering and Screening:**

Except for uses which do not require the construction, enlargement or extension of a building, all land uses requiring the approval of a special exception shall comply with the landscaping, buffering and screening requirements set forth in the *Landscape Manual* through the approval of a landscape plan.

Alternative Compliance, AC-95081 was granted for the subject property in 1995 for the encroachment of the existing building into the 30-foot-wide setback along the southwestern property line. Upon reviewing the applicant's site and landscape plans, the Urban Design Review Section has indicated that the previously approved Alternative Compliance is still valid given that no disturbance is proposed along the southwestern property line.

The Urban Design Review Section further stated that the subject property is exempt from the requirements of the *Landscape Manual* with respect to the proposed construction, because the site revisions do not increase the intensity of the current use on the site nor do they propose any additional gross floor area. No physical increases to existing building footprints or parking compound are proposed at this time. The application is acceptable in terms of layout, circulation and open space.

- K. Zone Standards: The proposal meets all other requirements of the R-R Zone.

- L. Sign Regulations: The site plan shows a ■RELOCATED SIGN• (freestanding) 10 feet behind the right-of-way line. The location of the sign complies with condition of approval 1(f) of ROSP SE 4197/1. Pursuant to Section 27-617, there is no setback requirement (behind the street line) for signs of institutional uses. The sign does meet the 15-foot setback requirement from adjoining land in a Residential Zone. It must also meet the area and height standards. The site plan does not provide these figures.
- M. Other Issue: The existing one-story structure that is located on the southwestern portion of the property is labeled as ■nurse quarters and storage• on the site plan and only as a ■storage• on the landscape plan. Clarification should be provided as to the specific use of the house and both the site and landscape plans should be revised accordingly.
- N. Required Findings: **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. With the recommended condition, the proposed site plan revisions are truly minor in nature, and they do not alter the Council's previous finding of conformance with this requirement.
 - (2) **The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

Alternative Compliance No. 95081 was approved for the property and the existing use in conjunction with Special Exception No. 4197 in 1996. With the recommended condition, the proposed site plan revisions conform with 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 proposed revisions will not result in substantial impairment of the 1990 Subregion I Master Plan which recommends the subject property for a residential use at low-suburban density. The previously approved site plan ROSP SE 4197/1 was found to be consistent with the Master Plan's guide lines with respect to elderly housing developments. There is no evidence to suggest that the currently proposed revisions would alter that finding. In addition, the Community Planning Division has indicated that the proposed revisions do not raise any master plan issues.
 - (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.

Through the findings of SE 4197, and ROSP SE 4197/1, it has been established that the expansion of the subject nursing home would not adversely impact the health, safety and welfare of residents and workers in the area. It was also established that with the approved Alternative Compliance for the building setback along the southwestern property line, the use will not be detrimental to the use or development of adjacent properties or the general neighborhood. As noted, the currently proposed revision of the site plan does not represent changes in terms of building foot print, density, parking area layout, number of parking spaces, setbacks, number of beds and landscaping. Therefore, with the proposed revisions of the site plan the subject use will remain in compliance with these requirements.

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

A Tree Conservation Plan (TCP I/50/1995) was approved for the subject property in conjunction with SE-4197 in 1997. The Environmental Planning Section indicated that the property is subject to the requirements of the Woodland Conservation Ordinance since a Type II Tree Conservation Plan (TCP II/98/96) was previously approved .

NOW, THEREFORE, BE IT RESOLVED, that this application for a "minor change" ROSP SE-4197/2 and AC-95081, is hereby APPROVED, subject to the condition that the site and landscape plans shall be revised to clearly identify the use of the existing building on the southeast portion of the site that was formerly used as a single-family dwelling.

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 final notice of the Planning Board's decision.

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PGCPB No. 00-224
File No. RO SP SE 4197/2
Page No. 8

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 Eley, with Commissioners Brown, Eley, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, December 7, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of January 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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