

Prince George's County Special Exception Application No. SE-4391

Applicant: William T. Slenker

Location: South side of Contee Road, approximately 1400 feet Southeast of the intersection at Van Dusen Road

Request: Special Exception for a Planned Retirement Community

R E S O L U T I O N

WHEREAS, the applicant has requested a special exception for a Planned Retirement Community in the I-3 Zone in accordance with Section 27-395 of the Prince George's County Zoning Ordinance; and

WHEREAS, the Technical Staff Report released November 29, 2000, recommended APPROVAL with conditions; 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 adopts the staff analysis and recommendation 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. Location and Field Inspection: The subject property is located along the south side of Contee Road, 1,400 ∇ feet southeast of its intersection with Van Dusen Road, stretching between Virginia Manor Road to the west and US 1 to the east. The site is presently undeveloped and partially forested.
- B. History: The 1990 *Sectional Map Amendment (SMA) for Subregion I* retained the property in the I-3 Zone. There are currently no comprehensive planning activities underway in the planning area.
- C. Master Plan Recommendation: The 1990 *Master Plan for Subregion I* recommends an industrial park use of the subject property.
- D. Request: The applicant is requesting permission to establish a Planned Retirement Community with a maximum of 650 dwelling units. As shown on the site plan, approximately 15 percent of the dwellings will be single-family detached, 40 percent multifamily condominiums and 45 percent single-family attached. The condominiums are to be in several three- and four-story elevator buildings; they are located in the center of the site. The single-family detached dwellings are primarily located along the northern and eastern periphery, with the attached units along the west and southern sections of the site. Recreational amenities are interspersed through the site, most notably in the form of a community center located to the north, at the end of the entrance drive from Contee Road. The applicant is also requesting a 38 parking space departure for the uses contained in the community center.

E. Neighborhood and Surrounding Uses: The property is surrounded by the following uses:

- North - Across Contee Road is undeveloped land and a single-family residence in the R-R Zone.
- East - The Maryland National Memorial Park Cemetery in the R-R and I-3 Zones.
- South - A powerline right-of-way and undeveloped land in the I-3 and R-R Zones.
- West - An auto salvage/auction yard and scattered single-family residences in the I-1, I-3 and E-I-A Zones.

The neighborhood is defined by the following boundaries:

- North - Contee Road
- East - Baltimore Avenue (US 1)
- South - Muirkirk Road
- West - Virginia Manor Road/Van Dusen Road

The neighborhood is varied in character, ranging from scattered single-family residences along Contee Road to industrial and auto-related uses along US 1 and Virginia Manor Road. The Maryland National Memorial Park Cemetery is the single largest use, it and the subject property making up the central portion of the neighborhood.

F. Specific Special Exception Requirements - Planned Retirement Community (Section 27-395):

A planned retirement community may be permitted, subject to the following criteria:

(1) Findings for Approval

(1) The District Council shall find that:

- (i) The proposed use will serve the needs of the retirement-aged community;

Finding: In order to ascertain whether the applicant's proposal will serve the needs of the retirement-aged community, we must first recognize those needs and how they differ from those of the community at large. Naturally, the retirement-aged community has the need for basic necessities (housing, food, clothing, security). Many retirees wish to have a smaller, lower maintenance dwelling in a secure, suburban environment. The applicant is providing a wide variety of housing options ranging from condominiums to

single-family residences, recognizing the varied needs of different retirees. The development is to have a single, secure point of entry from Contee Road. Food and clothing are available within two miles north and east of the site at a variety of regional shopping centers along US 1 (Laurel Lakes, Laurel Centre Mall, Boulevard Shops).

In addition to the basic necessities, the retirement-aged community has additional needs: transportation, medical, recreational and social. Transportation for this segment of the population is perhaps not as critical as for more elderly-oriented developments such as a medical-residential campus or apartments for the elderly. This planned retirement community is designed for active seniors, most of whom will retain their cars, at least at first. However, staff is concerned that there will be instances where residents are unable to gain access to transportation to meet their basic needs. It has been our experience that most of these trips are handled through an impromptu system of resident ride-sharing. That notwithstanding, staff would encourage the applicant to investigate some proactive means of providing transit from the site itself through the provision of a connection to the Consolidated Transportation Corporation's (CTC) local "Connect-A-Ride" system. The County also provides limited on-call bus service to seniors.

Medical needs can be provided by the Greater Laurel Beltsville Hospital and its adjunct facilities; they are located one-half mile to the northwest at the intersection of Contee Road and Van Dusen Road. As previously noted, the applicant is proposing a variety of recreational and social amenities on site including (but not limited to) trails, fishing ponds, tennis courts, indoor swimming pool, a fitness center and several meeting/card/craft rooms.

Due to the site's location and through the provision of numerous amenities, the applicant's proposal will meet the needs of the retirement-aged community.

(ii) The proposed use will not adversely affect the character of the surrounding residential community; and

Finding: The surrounding residential uses are limited to older scattered houses to the north and west of the site. This proposal will not adversely affect them. All adjoining properties, except for the Maryland-National Cemetery, are zoned for light-industrial and employment park development. Therefore, it is highly unlikely that additional residential uses would be developed in close proximity. Also, by virtue of the age-restriction, these units will have less of an impact on the surrounding area than would a conventional mixed-residential community.

- (iii) **In the R-A Zone, there shall be a demonstrated need for the facility and an existing medical facility within the defined market area of the subject property.**

Finding: The site is in the I-3 Zone, thus there is no requirement to show need within a defined market area.

(2) **Site Plan.**

- (1) In addition to the requirements of Section 27-296(c), the site plan shall set forth the proposed traffic circulation patterns.

Finding: The site plan shows this information. The major traffic circulation pattern within the development is shown to be several interconnecting ring roads, terminating at a traffic circle. The layout of these roads, while attractive on a site plan, would be confusing to drivers because it results in numerous three and four-way intersections which meet at a variety of unusual angles. Staff recommends that the applicant amend the internal traffic circulation pattern to minimize or eliminate any such intersections.

(3) **Regulations.**

- (1) Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, and other requirements of the specific zone in which the use is proposed shall not apply to uses and structures provided for in this section. The dimensions and percentages shown on the approved site plan shall constitute the regulations for a given Special Exception.

Finding: Understandably, the regulations applicable in the I-3 Zone are not reflected on the special exception site plan. The applicant is proposing the following development standards for single-family detached (SFD), single-family attached (SFA), multifamily condominiums (Condos) and Accessory Buildings (AB):

Maximum Building Heights:

- | | |
|----|------------|
| 1. | SFD:35' |
| 2. | SFA:35' |
| 3. | Condos:60' |
| 4. | AB:35' |

Minimum Lot Size:

- | | |
|----|----------------|
| 1. | SFD:4,000 s.f. |
|----|----------------|

2. SFA:1,500 s.f.

Maximum Building Coverage:

1. SFD:75%
2. SFA:80%

Yards (Minimum Depth/Width)

Front

1. SFD:10'
2. SFA:15'
3. AB:10'

Side

1. SFD:10' minimum between buildings
2. SFA: 5' (end units)
3. AB:10'

Rear

1. SFD:10'
2. SFA:10'
3. AB:10'

Lot Width

At front building line

1. SFD:30'
2. SFA:20'

At front street line (frontage)

1. SFD:20'
15' (in cul-de-sac)
2. SFA:20'

Density

6.28 units per acre (650 units, maximum)

- (B) The subject property shall contain at least twelve (12) contiguous acres;**

Finding: The subject property is 103.44 ∇ acres in area.

- (C) The average number of dwelling units per acre shall not be more than eight (8) for the gross tract area; and**

Finding: The applicant is proposing a maximum of 650 dwelling units on 103.44 ∇ acres, or an average of about 6.28 units per gross acre.

- (D) In the R-A Zone, buildings shall not exceed three (3) stories.**

Finding: The site is in the I-3 Zone.

- (5) In the I-3 Zone the following shall apply:**

- (1) The gross tract shall be a minimum of ninety (90) acres with at least 25% of its boundary adjoining residentially-zoned land or land used for residential purposes;**

Finding: The gross tract area of the site is 103.44 ∇ acres, and it adjoins residentially-zoned land to the east.

- (ii) The property shall have at least one hundred fifty (150) feet of frontage on and direct vehicular access to a public street;**

Finding: The site has 660 ∇ feet of frontage and direct vehicular access on Contee Road, a public street. The site also has limited frontage on Virginia Manor Road and US 1. The site plan shows a provision for an emergency-only access point to US 1, which had been requested by staff.

- (iii) All buildings shall be set back a minimum of seventy-five (75) feet from all non-residentially zoned boundary lines or satisfy the requirements of the Landscape Manual, whichever is greater;**

Finding: The site plan complies with this requirement, with a minimum setback of 75 feet.

(iv)

The property shall be located within two (2) miles of mass transit, regional shopping and a hospital; and

Finding: This general area is served by public transportation in the form of MetroBus service along US 1, Consolidated Transportation Corporation's (CTC) ■Connect-A-Ride● system throughout the City of Laurel and nearby environs, and a MARC commuter rail station to the southeast at US 1 and Muirkirk Road, all of which are within two miles. There is also a park-and-ride facility located one-half mile away on US 1. Unfortunately, these transit facilities are peripheral to the subject property and do not serve it directly. There is no bus service along Contee Road itself, and while you may theoretically stand out on US 1 and try to flag a bus down, there is little or no shoulder or bus stops delineated. Staff recommends that the applicant investigate the possibility of getting the development included on the local CTC bus line and/or providing private shuttle service for its residents.

As previously discussed, the subject property is within two miles of regional shopping at Laurel Lakes/Laurel Mall and medical services at Laurel Hospital.

(v)

Townhouses shall comply with the design guidelines set forth in Section 27-274(a)(11) and the regulations for development set forth in Section 27-433(d).

Finding: The applicant states that the single-family attached units proposed for the development will comply with these design guidelines and regulations.

(4) Uses.

- (1) The planned retirement community shall include a community center or meeting area, and other recreational facilities which the District Council finds are appropriate. These recreational facilities shall only serve the retirement community. The scope of the facilities shall reflect this fact. The Council may only permit a larger facility which serves more than the retirement community if the facility is harmoniously integrated with the retirement community and the surrounding neighborhood. All recreational facilities shall be constructed prior to, or concurrent with, the construction of the residential units, or in accordance with a schedule approved by the District Council;

Finding: The applicant is proposing a community center at the northern end of the development, near the entrance. It is to contain a variety of recreational and social amenities including (but not limited to) an indoor swimming pool, a fitness center and several meeting/card/craft rooms. The development is to be served by a variety of trails, sitting areas, fishing ponds and tennis courts. These recreational facilities will be constructed concurrent with the residential units. They are to serve only the residents and their guests, as evidenced by the fact that the community is to be secured with a single point of entry.

- (2) Retail commercial uses, medical uses, health care facilities, and other uses which are related to the needs of the community may be permitted.

Finding: These uses are not proposed.

(5) Residents' Age.

- (1) At least one (1) resident of each household shall be at least fifty (50) years old, unless the applicant can demonstrate that a lesser minimum age requirement should be approved. No permanent resident of the planned retirement community shall be under eighteen (18) years old. Covenants setting forth the minimum age of the residents shall be submitted with the application. The covenants shall be approved by the District Council, and shall be filed in the land records at the time the subdivision plat is recorded. No change in the minimum age shall be permitted, unless both the covenants and the Special Exception have been amended.

Finding: The applicant is aware of these requirements and agrees to abide by them.

(6) Recreational Facilities.

- (1) Covenants guaranteeing the perpetual maintenance of recreational facilities, and the community's right to use the facilities, shall be submitted with the application. The covenants shall be approved by the District Council, and shall be filed in the land records at the time the subdivision plat is recorded. If the recreational facilities are to be part of a condominium development, a proposed condominium declaration showing the recreational facilities as general common elements shall be approved by the District Council, and shall be recorded (pursuant to Title II of the Real Property Article of the Annotated Code of Maryland) at the time the subdivision plat is recorded.

Finding: The applicant is aware of these requirements and agrees to abide by them.

G. Parking Regulations:

Parking requirements for the site break down as follows:

<u>USE</u>	<u>SCHEDULE</u>	<u>PROPOSED</u>
Single-family detached (cluster)	1.5 spaces / dwelling	1.5 spaces / dwelling
Single-family attached	2.04 spaces / dwelling	2.04 spaces / dwelling
Multifamily	0.66 spaces / dwelling	0.66 spaces / dwelling
Community Center	Depends on size and uses to be included, maximum of 78	40

The site plan shows the applicants intent to fully comply with the parking requirements for all residential units on site. However, the applicant is seeking a 38 space departure for the uses contained in the community center since they are designed to only serve residents and their guests.

- H. Landscape Manual Requirements: The site plan shows the required setbacks and bufferyards, primarily through the use of the existing woods along the periphery of the site. The one exception is along Contee Road, where the applicant shows a 35-foot buffer strip between the existing streetline and the ultimate right-of-way. In order to use this area to meet the requirements of Section 4.6 of the Landscape Manual, Alternative Compliance must be obtained. Otherwise, the site plan must be revised.
- I. Zone Standards: The site plan need not meet the area requirements of the I-3 Zone pursuant to Section 27-395(3)(A).

J. Sign Regulations: The site plan shows two signs along Contee Road as part of an entrance feature. The signs are only noted for conceptual purpose only. The details must be reviewed for conformance with the location, height and area requirements of the sign regulations, prior to the issuance of permits.

K. Additional Issues:

1. Section 27-296(c)(B) requires a site plan, drawn to scale, showing all existing and proposed development of the site. It has been our experience that large special exceptions such as this that involve hundreds of dwelling units do not lend themselves well to the degree of specificity usually required. Numerous changes to the site plan can and do occur during the time between approval of the special exception and the actual building of the units due to engineering constraints, unforeseen design flaws and improvements in product. In the past, this has led to a never-ending string of reconsiderations, revisions and amendments to a site plan that was fine in concept but hampered by minutia. In response, the staff, Planning Board, Zoning Hearing Examiner and District Council have approved special exception site plans for conceptual purposes only, with the understanding that the development would be further and more strenuously reviewed in a single or series of limited detailed site plans, prior to the issuance of permits.

This approach has been used in the special exception approvals for Collington Lifecare, Marwood and Riderwood Village communities, and it is recommended in this instance as well. It also provides dual benefit to the applicant and the County. Time is saved and the site plan is given an additional detailed review without having to go back through the entire special exception process. Accordingly, it is recommended that this development be subject to Limited Detailed Site Plan review(s) in accordance with Part 3, Division 9, of the Zoning Ordinance. The Plan(s) shall be reviewed for approval by the Planning Board and shall include, in addition to other requirements and guidelines, details of the architecture and interior layout and design of units, additional landscaping, internal circulation, signs, entrance features and layout of townhouse bays.

L. 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.**

Finding: The proposed planned retirement community will protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County by providing the retirement-aged community with housing and recreational activities specifically designed to meet the needs of this ever-growing age group. This development has been designed for active couples and singles who desire to live a low-maintenance, suburban lifestyle with an amenity-rich and secure environment. By providing them a

modern, low-maintenance home convenient to shopping and medical facilities, the retirement-aged residents of Prince George's County will have an attractive incentive to stay near their friends and families in their retirement years.

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

Finding: With the recommended condition for conceptual and limited detailed site plan approval(s) prior to the issuance of permits, the proposed use will conform with all regulations.

- (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 Map Plan, the General Plan.**

Finding: The 1990 *Master Plan for Subregion I* envisions an industrial park for the site. The site is in the I-3 Zone, a zone which permits planned retirement communities as special exception uses. The mix of uses proposed and the substantial buffers provided will ensure compatibility with surrounding properties. Therefore, the proposed use 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.**

Finding: Other than traffic, there is no increased impact upon the area. This is a concern because of identified inadequacies at nearby intersections (US 1 and Contee Road, Contee Road and Van Dusen Road and Van Dusen Road and Virginia Manor Road). However, one must compare the 247 AM peak trips and 273 PM peak trips anticipated by this use to the more than 1,000 potential peak-hour trips this site could produce if built out as an industrial park. The Transportation Planning Section, in their referral dated November 27, 2000, concludes that the traffic impact will not adversely impact the health, safety and welfare of the residents or workers in the area. They note that the applicant will be required to subdivide the property, at which time the strict adequacy of public facilities test will be applied. They also recommend several conditions as necessary to ensure safe movements at the site entrance and to ensure development does not occur within the areas of the site to be dedicated for road widenings:

1. Construction of a deceleration and an acceleration lane along eastbound Contee Road.
2. Construction of an exclusive left-turn lane along westbound Contee Road, with the length to be determined by the Department of Public Works and Transportation (DPW&T).

3. The plan shall be revised as appropriate to accommodate the following limits of dedication at Preliminary Plat of Subdivision:
 1. 60 feet from centerline along US 1
 2. 35 feet from centerline along Virginia Manor Road
 3. 120 feet as measured from the northern right-of-way line along Contee Road.

Discussion of these off-site improvements and right-of-way dedications will be more appropriate at the time of subdivision and access permit review.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

Finding: There will be no detriment to the surrounding area if this proposal is approved. The applicant is proposing a density of 6.28 units per acre, well under the 8.5 permitted. The multifamily condominium units are centrally located, and they will not be visible from the adjoining properties. In fact, given the secluded nature of the site and the extensive natural buffers proposed, the entrance to the site is likely to be the most visible element from any other property.

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

Finding: The Tree Conservation Plan, TCPI/37/00, has been reviewed and recommended for approval subject to a note being added which states:

- The Type II TCP shall address the removal of all Virginia Pines (*Pinus virginiana*) greater than 6 inches in diameter within 25 feet of the final proposed limit of disturbance or the boundary of the property.●

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board recommends that Special Exception No. 4391 be APPROVED, subject to the following conditions:

1. The site and landscape plans are recommended for approval for conceptual purposes only, to generally represent the form and scale of the proposed planned retirement community. These conceptual plans shall be revised for approval by the Zoning Hearing Examiner prior to the issuance of any permits.
2. In conjunction with the conceptual plan revisions, the Type I Tree Conservation Plan shall be revised for approval by the Zoning Hearing Examiner prior to the issuance of any permits to include the following note:

■The Type II Tree Conservation Plan shall address the removal of all Virginia Pines (*Pinus virginiana*) greater than 6 inches in diameter within 25 feet of the final proposed limit of disturbance or the boundary of the property.●

3. The property shall be developed in distinct phases or sections. No building permits shall be issued prior to the applicant obtaining Limited Detailed Site Plan approval by the Prince George's County Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance for each related phase or section of development. These reviews shall include the following:
 - a. Architectural details of proposed dwelling units, other buildings, passive and active outdoor recreation facilities, the pedestrian circulation system and other permanent shared structures or facilities such as group mail box stations.
 - b. Landscaping, buffering and screening elements in accordance with the requirements of the Landscape Manual.
 - c. The vehicular circulation system with an emphasis on minimizing potentially confusing three- and four-way intersections which meet at a variety of unusual angles.
 - d. The location and design of permanent signs and entrance features.
 - e. A lighting plan for all common use buildings and facilities such as parking areas that are likely to be used after daylight hours.
 - f. Details of all required parking and loading facilities to demonstrate compliance with Part 11 of the Zoning Ordinance.
 - g. A demonstration that the design of the single-family attached dwellings conforms to the guidelines of Section 27-274(a)(11) and the development regulations of Section 27-433(d) of the Zoning Ordinance, pertaining to townhouse development. In addition, every effort shall be made to preclude the situation where the front of one single-family dwelling is oriented to the rear of another dwelling.
 - h. Any other elements of this development deemed necessary for the determinations of general conformance with the approved conceptual plans and full compliance with all appropriate requirements and regulations of the Zoning Ordinance.
4. Prior to the issuance of more than 51 percent of the building permits the applicant shall demonstrate to the satisfaction of the Planning Board that adequate arrangements have been made to provide a reasonable level of local transportation services for the residents of this development. These services may be provided in conjunction with other ongoing programs

such as ■Connect-A-Ride• system in the Laurel area or through other means such as privately funded van service.

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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 Lowe, seconded by Commissioner Brown, with Commissioners Lowe, Brown, Eley 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

TMJ:FJG:TL:bj