

## RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Special Exception Application No. 4467 requesting a special exception for a planned retirement community, and Tree Conservation Plan (TCP) I/14/03, in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on January 22, 2004, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is located on the northwest side of Palmer Road, about 3,600 feet east of its intersection with Indian Head Highway and about 2,700 feet west of Tucker Road. The 21-acre site contains two sections. The southern section (known as Parcel G) contains almost 10 acres and has approximately 950 feet of frontage on Palmer Road. The balance of the site is located to the northwest of the first section and is proposed to be left in open space.

The property is undeveloped and wooded. It is characterized by moderate to severe topography. A tributary to Henson Creek bisects the two sections and runs along the northern border of the southern section. The site also contains wetlands and a 100-year floodplain associated with the Henson Creek watershed.

- C. **History:** The 1984 Subregion VII Sectional Map Amendment classified this property in the R-E Zone. There has been no zoning activity on the site since the last comprehensive rezoning.
- D. **Master Plan Recommendation:** The 2002 General Plan places the site in 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 1981 Master Plan for Subregion VII shows the subject site as a future elementary school. However, the Board of Education declared the property surplus in 1985.
- E. **Request:** This application is for a retirement community of 157 dwelling units to be located in a single four- to five-story structure. The proposal calls for 75 percent of the units to be two-bedroom apartments and the rest to be one-bedroom apartments. Covenants have been submitted restricting occupancy to adult individuals, with at least one household member being 62 years of age or older
- F. **Neighborhood and Surrounding Uses**

The neighborhood includes a variety of residential living areas ranging from multifamily apartments and townhouse condominiums to single-family detached homes. The eastern end of the neighborhood is dominated by two Class III fill operations and the Palmer Road rubble fill.

Immediately surrounding the subject site are the following uses:

North and east—large lot residences and undeveloped land in the R-E Zone.

South—(across Palmer Road) Single-family detached houses in the R-R Zone.

West—Pinewood Townhouse Condominiums (R-18 Zone) and the Devon Hills Apartments (R30-C Zone).

**G. Specific Special Exception Requirements—Sec. 27-395–Planned Retirement Community**

1. **The proposed use will serve the needs of the retirement-aged community.** The 1999 report of the Senior Citizens Task Force indicates that the size of the over-65 population group in the county is expected to double in the next decade. The task force also noted few housing options for seniors in the Indian Head corridor, while finding a large concentration of emerging seniors and future seniors there. According to M-NCPPC research staff, data from the 2000 census confirms that fact. The southern end of the Indian Head Highway corridor has a 65-and-over population percentage that is more than 50 percent greater than the county average.

The location of the property near Indian Head Highway provides reasonable access to shopping and health facilities. Livingston Square Shopping Center is located a little over a mile from the site, and Fort Washington Hospital Center is located about four miles from the site. A nine-hole golf course (Henson Creek Golf Course) is located within a mile of the site. A bus stop is located on Palmer Road in the vicinity of the subject property.

The applicant is proposing a facility that will provide conveniences and amenities to the residents in the building. The site plan notes that these amenities will include a beauty salon, health suite, exercise room, movie theater, arts and crafts room, business center, library, and a card/billiard room. It is recommended that the applicant add some outdoor recreational opportunities in the form of additional pedestrian paths, picnic areas, a larger patio, outdoor furniture, and small-scale recreational equipment.

2. **The proposed use will not adversely affect the character of the surrounding residential community.** The subject property is surrounded by residential development of varying densities. Those portions of the neighborhood most directly affected by the proposed use include single-family detached homes to the south and a two-story condominium townhouse development to the west (Pinewood). There are also several large lots in the R-E Zone to the north and east, most of which are undeveloped.

The proposed apartment building, which ranges from four stories to five stories in height in one section of the western wing, is certainly of a size and scale that sets it apart from the nearby single-family detached homes. But it is not out of character with the more densely developed townhouses and apartment buildings just west of the site. Furthermore, the building will be set back about 185 feet from Palmer Road, 185 feet from Pinewood, and at least 96 feet from the rear of the large R-E-zoned parcels to the north. The site is heavily

wooded, and the proposed development will retain wooded buffers around the entire periphery of the site, except for that portion along the entrance to the site from Palmer Road.

The topography of the property slopes rather steeply away from Palmer Road. This will permit the parking lot and first floor elevation of the building to be constructed below the elevation of Palmer Road, further reducing the size and scale of the building. Finally, the architectural elevations and the rendering of the front façade of the proposed building demonstrate architectural elements and building materials consistent with traditional residential building styles, further increasing the compatibility of the proposed use with the surrounding area.

At least one resident in each household will be age 62 or older; so many residents are not likely to be employed. Also, opportunities for services such as the beauty salon and recreational activities will tend to reduce the number of automobile trips generated by the residents. Retirement communities are generally rather quiet neighbors, and this proposed facility should blend in harmoniously with the surrounding area.

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

Regarding on-site traffic circulation, there are no issues. However, the location of the single access to the site could potentially be problematic in the future. Consequently, should Palmer Road be upgraded to a dualized arterial road, the proposed access point to the subject property will be limited to a right-in, right-out access only.

**4. Regulations.**

- (A) Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, dwelling unit types, 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.**

The applicant proposes the following:

Multifamily apartments  
Building height—40 feet  
Lot coverage—12 percent  
Density—7.4 dwellings per acre

Frontage—944.6 feet along Palmer Road  
Front setback—185 feet from Palmer Road  
Front setback—94 feet from Mildred Lane (a platted, but not built street), and 185 feet from Pinewood Condominiums)  
Sideyard setback—185 feet from an R-E-zoned parcel to the east  
Rearyard setback—varies from 96 to 180 feet from the R-E zoned parcels to the north

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

The property contains 21.2 acres.

**(C) The average number of dwelling units per acre shall not exceed eight (8) for the gross tract area.**

The proposed density is 7.4 dwellings per acre.

Lot coverage and density are based upon the entire 21.2 acre tract. Despite the fact that the actual development of the site is visually associated with the southern 10-acre parcel, it will not appear to be out of character with the surrounding scale and intensity of development due to the generous setbacks, landscaping and wooded buffers.

**5. Uses.**

**(A) 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;**

The proposed site plan lists a number of social/recreational facilities proposed for the building. These include a beauty salon, health suite, main lounge, exercise room, movie theater, arts and crafts room, business center, library and card room/billiard room. Proposed outdoor facilities include a small patio shown at the rear of the building and a pedestrian system referenced in the applicant's statement but not fully shown on the plan. The plan shows only basic sidewalk connections from the parking lot to the front of the building.

The proposed indoor facilities are very appropriate for the retirement age population. Although a designated community center is not included, an extensive

package of indoor recreation and social amenities satisfied this requirement. As proposed, however, the site will lack any real outdoor amenities. Given that walking is a beneficial outdoor exercise, a pedestrian system should be provided to surround the building. The patio area, porches or similar seating areas should be enlarged to a total of 5,000 square feet. The patio area should include a fountain or a gazebo or similar focal point and a variety of outdoor furniture. In addition, some small-scale recreational equipment should be provided.

Finally, the site plan should note that the recreational package will be provided concurrent with the construction of residential units, or a schedule for their construction must be provided and approved prior to the final approval of this special exception.

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

No retail or medical facilities are proposed. The proposed health suite offers the possibility of simple medical care, such as the services of a podiatrist, although this has not been clarified. The beauty salon is a service for the residents of the building. The site plan should reflect the fact that the site amenities are for the use of residents and their guests only.

**6. Residents' age.**

**(A) 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.**

The revised covenants indicate that the proposed retirement community will be restricted to residents in households where at least one member is aged 62 or above. Although the Zoning Ordinance allows the head of household to be 50 years old or older, the typical retirement community resident is much older. Clearly, the older the residents, the less likely they are to be employed and to contribute to peak-hour traffic. In this case, the nearest critical intersection has a failing level of service. Restricting the age of one household member to at least 62 will ensure that peak-hour traffic generation on the site will be minimal.

**7. Recreational facilities.**

- (A) **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.**

The applicant has provided proposed covenants to guarantee the perpetual maintenance of recreational facilities constructed in accordance with the special exception for the planned retirement community.

- H. **Parking Regulations:** The applicant proposes to provide 110 parking spaces for the building, based on .66 spaces per dwelling unit. This requirement is consistent with the parking requirements for housing for the elderly, which is restricted to citizens 62 years of age or older. Therefore, the proposed number of parking spaces will meet the requirements of Part 11 of the Zoning Ordinance. Because the amenities will be limited to the use of residents and their guests, additional parking spaces will not be required. However, the dimensions of the proposed loading space and spaces for the handicapped must be provided on the site plan. Also, the parking tabulation should be corrected to reflect .66 space per unit.

Parking needs for the retirement-aged community typically involve a somewhat larger than normal percentage of spaces for the handicapped. The number of spaces for the handicapped should therefore be increased from six to ten.

- I. **Landscape Manual Requirements:** The revised landscape plan (dated July 30, 2003) is in accordance with the requirements of the *Landscape Manual*.
- J. **Sign Regulations:** The site plan shows two signs at the entrance of the property. Signs identifying an apartment house or complex are permitted subject to the following:
- Maximum area per sign is 48 square feet
  - On the building or premises
  - One sign for the first 100 dwelling units, plus one for each additional 100 dwelling units, to a maximum of four signs (and a maximum of 192 square feet). In lieu of multiple signs, the sign area may be allocated to fewer signs.
- K. **Environmental Issues**
1. This site is subject to the provisions of the Woodland Conservation Ordinance. The Forest

Stand Delineation and revised Type I Tree Conservation Plan (TCP), TCPI/14/03 meets the requirements of the Woodland Conservation Ordinance. The plan proposes clearing 5.57 acres of the existing 20.17 acres of upland woodland and clearing 0.08 acre of the existing 0.98 acre of floodplain woodland. The woodland conservation requirement has been correctly calculated as 6.53 acres. The plan proposes to meet the requirement by providing 7.01 acres of on-site preservation. The proposed preservation areas serve to protect the adjacent stream valley, create a large contiguous woodland, and provide screening and buffering from Palmer Road and adjacent properties.

2. A concern has been raised about the current and future water runoff from the subject property onto the adjoining Pinewood property. The applicant has received approval of a conceptual stormwater management plan (CSD #33959-2002-00) from the Department of Environmental Resources.

The applicant's engineer and representatives from the Pinewood Community visited the site and determined that there is runoff from Palmer Road, which crosses the southwest corner of the subject property and then drains onto the adjoining site. The proposed development of the subject site is in a location that drains to the Henson Creek tributary north of Parcel G, not onto the Pinewood property. The conceptual stormwater management plan approval indicates that there will be no downstream increase in runoff into the tributary. However, to further ensure that water runoff crossing the subject site onto the adjoining site will be managed without detriment to Pinewood residents, the applicant has offered to submit to the Pinewood Condominium Association, a written agreement under which the applicant will design and pay for the implementation of a solution to address the surface water drainage between the subject property and the condominium development prior to the issuance of a grading permit.

**M. Required Findings - Section 27-317(a)**

- (1) **The proposed use and site plan are in harmony with the purposes of this Subtitle.** The purposes of the Zoning Ordinance, as set forth in Section 27-102, seek generally to "protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County." The Zoning Ordinance presumes that special exception uses are compatible with the zones in which they are permitted unless there are specific findings to the contrary. The subject request meets the needs of senior

residents of the county and provides for a development that will be compatible with the surrounding development.

- (2) **The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.** With the recommended conditions, the application meets or exceeds the specific requirements for this use and conforms to the general 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 Map Plan, the General Plan.** The public school use for the site had been envisioned as a transitional use between the somewhat higher-density residential areas to the west and the lower density zoning to the east. The proposed use fulfills a similar function. In addition, the architectural elevations of the proposed facility show an articulated façade and the use of traditional residential building styles. These features, when combined with the property's topography and the proposed setbacks and landscaping of the property, will ensure that the proposed use will be compatible with adjoining properties.

- (4) **The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

The proposed residential facility for the retirement-aged population will not adversely affect the health safety or welfare of other residents or workers in the area. Given the age of the proposed residents, the number of vehicular trips in an out of the complex will be minimal, especially during peak hours. The proposed access to the site meets traffic safety standards. The property will have significant vegetative screening in the form of mature wooded areas, which will mitigate the visual impacts of the proposed buildings.

The Palmer Road/MD 210 intersection is operating at failing levels-of-service. However, the subject application is projected to add only six AM and eight PM trips toward that failed intersection. During a typical AM peak hour, approximately 5,700 cars pass through the intersection in various directions. An additional six to eight cars represent less than two-tenths of one percent of the total vehicular activity.

Area residents voiced a concern about the need for a left-turn by-pass lane on westbound Palmer Road at its intersection with Fran Del Drive. The applicant has offered to design the by-pass lane. The Planning Board has requested that the Department of Public Works and Transportation review the need for improvements at this intersection and provide those improvements, if needed.

- (5) **The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.** A retirement community tends to be a low-key neighbor, particularly when the minimum age requirement for at least one member of the household is 62. The rendering and architectural elevations indicate that the applicant proposes to construct a building with traditional residential design elements and building materials. A condition of approval will ensure that the architectural treatment shown in the architectural elevations will be used on all building facades. In addition, the property is



heavily wooded; and the proposed landscape plan and tree conservation plan show substantial wooded buffers between the site and adjoining properties, as well as along Palmer Road.

The applicant intends to address the surface water drainage between the subject property and the condominium development adjacent to the western property boundary through an agreement with the condominium association.

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

The proposed site plan is in conformance with Tree Conservation Plan TCPI/14/03, which has been recommended for approval by the Environmental Planning Section. Approval of a TCP II is required prior to the issuance of grading or building permits. The TCPI should also contain a note requiring approval from the M-NCPPC Planning Director or designee prior to the removal of any vegetation within the expanded stream buffer.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommends to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED, subject to the following conditions:

1. The site and landscape plans shall be revised to show the following:
  - a. A pedestrian path surrounding the building.
  - b. Covered porch and outdoor patio(s) with a total area of at least 5,000 square feet. The patio adjacent to the multipurpose room shall include a focal point such as a gazebo or fountain.
  - c. Year round outdoor seating will be shown on the pedestrian path around the building. A note will be provided to indicate that moveable outdoor seating will be provided on the patios and covered porch, weather permitting.
  - d. Small-scale recreational facilities such as horseshoe pits, tetherball and/or shuffleboard.
  - e. A note to indicate that the recreational package will be provided concurrent with the construction of residential units, or a schedule for its construction.
  - f. A note to indicate that site amenities are for the use of residents and their guests only.
  - g. The dimensions for the proposed loading space and parking spaces for the handicapped.
  - h. The parking schedule should be corrected to reflect a requirement of .66 space per dwelling unit.

- i. A total of ten parking spaces for the handicapped.
2. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and the applicant shall submit associated mitigation plans.
3. The following note shall be placed on the Special Exception Site Plan and the Type I Tree Conservation Plan:

“The installation of structures and roads and the removal of vegetation are prohibited within the expanded stream buffer without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
4. Architectural design elements shown on the elevations for the southern and western facades of the building shall be applied consistently on other building facades.

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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 Harley, seconded by Commissioner Eley, with Commissioners Harley, Eley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 22, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of February 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:CW:rmk

(Revised 8/9/01)