

## R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Special Exception Application No. 4489 requesting a Congregate Living Facility for the Elderly 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 July 7, 2005, the Prince George's County Planning Board finds:

### **FINDINGS:**

- A. **Location and Field Inspection:** The subject site is located on the south side of Hickory Hill Avenue, approximately 1,200 feet west of Cipriano Road. The site is an elongated rectangular lot, 3/4 of an acre in size. It is developed with a 1-1/2-story brick house with a basement. The front yard is largely paved with a circular driveway and space for four parking spaces. The driveway continues along the west property line to a parking pad to the rear of the house. A number of shade trees are located in the back yard and the rear of the lot is wooded. Several holly trees and an oak tree are located in the front yard. Two deciduous trees and an evergreen tree are located near the street; however, these are within the ultimate right-of-way for Hickory Hill Avenue. Stone planters are located directly in front of the house.

- B. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	R-80	R-80
Use(s)	Congregate (assisted) living facility for 8 persons	Congregate (assisted) living facility for up to 16 persons
Acreage	.75	.75
Square Footage/GFA	4,295 sq. ft.	4,295 sq. ft.

- C. **History:** The property has been in the R-80 Zone since prior to the 1993 Glenn Dale-Seabrook-Lanham sectional map amendment. The property was used as a single-family residence and was also used as a church prior to its current use as a congregate living facility for the elderly for up to eight persons.
- D. **Master Plan Recommendation:** The Glenn Dale-Seabrook-Lanham master plan recommends suburban residential uses at 2.7 to 3.5 dwelling units per acre for the subject property. The 2002 General Plan places the site in the Developing Tier. The General Plan 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.
- E. **Request:** The applicant requests permission to expand congregate living facility services to up to 16 elderly residents. The applicant has operated a congregate (assisted) living facility on the site since 1999. The site is currently home to up to eight elderly residents. The Zoning Ordinance permits a

congregate living facility for up to eight elderly or disabled residents by right in the R-80 Zone. The facility is licensed by the Maryland Department of Health and Mental Hygiene. The Zoning Ordinance requires a special exception for a facility for over eight residents. The requested use will not require the addition of living space to the building. A slight increase in the driveway width is proposed near the street.

F. **Neighborhood and Surrounding Uses:** The property is surrounded by single-family residential uses in the R-80 and R-55 Zones.

G. **Specific Special Exception Requirements:**

**Sec. 27-344. Congregate living facility.**

(a) **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;**

There is a demonstrated need for this facility. The term “need,” in the context of special exceptions, has been interpreted by the Maryland courts to mean “expedient, reasonably convenient and useful to the public.” It does not mean absolutely necessary, and a great deal of discretion is given to the local governing body in applying the facts of each case to this requirement.

The applicant has submitted Census data showing the increase in elderly residents in Prince George's County.

In addition, the applicant has provided a sworn affidavit indicating that the Maryland Department of Aging and the Prince George's County Department of Social Services frequently refer clients who cannot be accommodated due to a lack of vacancies in the existing facility. The facility is regularly inspected by these agencies.

The applicant's services are particularly needed by the lower income elderly and disabled population; and a smaller facility with a history of providing appropriate care, fills a particular need for those clients who require personal attention.

(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; and**

(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 "Regulations for Congregate Living Facilities" (required by Section 12-173(d) of this Code), for the maximum number of permitted residents.**

The applicant does not intend any alterations to the exterior of the building but proposes to modify the interior floor area of the building to comply with the regulations of the Maryland Department of Health and Mental Hygiene. The floor plans show that the facility will comply with the minimum bedroom sizes.

- H. **Parking Regulations:** The site plan was revised in May 2004 to address the comments of the Permit Review Section. The revised plan meets the parking regulations of the Zoning Ordinance. The proposed use requires four parking spaces including one space for the handicapped.
- I. **Landscape Manual Requirements:** The proposed use is considered exempt from the landscaping, screening, and buffering requirements of the Landscape Manual per Section 27-328.01 of the Zoning Ordinance because no additional square footage is proposed. The District Council may, however, require additional landscaping to assure compatibility with the surrounding uses. The front yard has relatively little opportunity for landscaping due to the circular driveway and parking areas already in place. With the exception of a minor widening of the entranceways, the front yard will not change as a result of this special exception approval.

A landscape strip with an evergreen tree and two shade trees is currently located between the circular driveway and the street. These trees, combined with the downward slope of the property from the street line, soften the impact of the driveway and parking area on the visual appearance of the property. However, it is noted that these trees are located in an area that is within the ultimate right-of-way for Hickory Hill Avenue. This block of Hickory Hill Avenue, like other parts of the neighborhood, combines old rural sections of roadway with urban sections, including curbs and gutters. Should the section adjoining the subject property be upgraded to urban standards or any widening occur, the trees in the landscape strip should be relocated or replaced in that part of the landscape strip outside the right-of-way.

- J. **Zone Standards:** The proposed use meets the requirements of the R-80 Zone for setbacks, lot coverage, and height. The site plan legend must be corrected to show that the permitted lot coverage for nonresidential uses is 60 percent. (The lot coverage for the proposed use is 19 percent.)
- K. **Sign Regulations:** The site plan does not indicate the location of any freestanding sign.
- 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.**

The purposes of the Zoning Ordinance are many and varied; however, they can best be summed up as promoting the health, safety, and welfare of county residents by providing for the orderly growth and development of the county and promoting the most beneficial relationship between the uses of land and buildings. The proposed use and site plan will provide for the orderly growth of the county by providing opportunities for elderly residents to remain near their families in a residential setting.

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

The proposed use meets the requirements of the Zoning Ordinance as indicated above.

**(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 proposed use will not substantially impair the integrity of the Glenn Dale-Seabrook-Lanham master plan. The master plan presumes the compatibility of special exception uses in the zones in which they are permitted, absent specific findings to the contrary. The Community Planning Division provides the following comments:

“The master plan includes a guideline (page 63) that is applicable to this application. It states, ‘Living Areas should include appropriate sites for senior citizen housing and related facilities in locations which can provide a human scale through adequate outdoor space, and can be serviced by social and welfare programs. Ideally they should be located at sites that can provide convenient connections to shops, public transportation and other needs of the elderly. The best options are in the immediate vicinity of recommended activity center shopping areas.’ The proposed use is not at an activity center location but is in the middle of a single-family detached neighborhood. Despite this apparent contrast to the master plan’s suggested location, it appears to be functioning adequately in that there is a demand for its expansion.”

The proposed request will permit the applicant to serve more elderly residents in a location that can provide a human scale and opportunities to enjoy a peaceful residential setting. The size of the facility will not be increased but is sufficient to meet the needs of 16 residents. If the need for this facility can be established, this would seem to conform to the master plan guideline for facilities related to the needs of area seniors.

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

The referral replies from the M-NCPPC Historic Preservation and Public Facilities Planning and the Transportation Planning Sections, the Prince George's County Department of Public Works and Transportation and the Fire/EMS Department indicate that the expansion of services at this facility to 16 residents can be accomplished without adversely affecting the health, safety, or welfare of residents in the area.

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

The Community Planning Division referral reply notes that:

“The master plan includes a recommendation (page 60) that infill development shall be in keeping with the prevalent neighborhood character. While the subject application is not proposing infill development; the intent of this recommendation is appropriate to apply to an

application where the site design is altered to accommodate the use. This is particularly true when the site is located in a single-family detached neighborhood.”

The comments go on to note some concern about the extensive paved surfaces in the front yard, which may not be in keeping with the prevailing residential character of the neighborhood of front lawns and driveways. At the time of the staff field inspection, it was noted that the front yard is already paved with a circular driveway and the space for four parking spaces. The slope of the land away from the street and the presence of two mature shade trees and a smaller evergreen tree along the street soften the impact of the paving. However, these trees are within the right-of-way for Hickory Hill Avenue and they should be relocated or replaced if this section of Hickory Hill Avenue is upgraded to include curb, gutter and sidewalks.

In general, congregate living facilities for the elderly are compatible neighbors that generate little noise or traffic to impact upon a residential neighborhood. The proposed use can be accommodated on the site with little change to its existing character and will not be detrimental to the use of adjacent properties or the general neighborhood.

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

According to the M-NCPPC Environmental Planning Section, this property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site contains less than 40,000 square feet of woodland and does not have a previously approved Tree Conservation Plan, per a February 9, 2004, letter of exemption.

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 condition:

The applicant shall replace or relocate onto the subject property the landscaping currently located within the proposed right-of-way of Hickory Hill Avenue, should the section of Hickory Hill Avenue adjoining the subject property be widened or upgraded to urban standards.

\* \* \* \* \*

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 Eley, seconded by Commissioner Squire, with Commissioners Eley, Squire and Hewlett voting in favor of the motion, and with Commissioner Vaughns opposing the motion at its regular meeting held on Thursday, July 7, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of July 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:CW:rmk

(Revised 8/9/01)