

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Special Permit Application No. SP-170001, Mama's Care Assisted Living Facility, requesting to expand an existing congregate living facility to allow for up to 14 residents 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 November 15, 2018, the Prince George's County Planning Board finds:

1. **Request:** The subject application proposes to expand an existing congregate living facility to allow for up to 14 residents within the One-Family Detached Residential (R-55) Zone and the Development District Overlay (D-D-O) Zone of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (Gateway Arts District Sector Plan and SMA). The associated Detailed Site Plan DSP-17054 was also approved by the Planning Board on November 15, 2018 (PGCPB No. 18-118) for site improvements relative to the proposed use.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-55/D-D-O	R-55/D-D-O
Use	Congregate Living Facility	Congregate Living Facility
Total Number of Residents	8	14
Gross Acreage	0.43	0.43
Gross Floor Area	+/- 4,224 sq. ft. *	+/- 4,224 sq. ft. *

Note: *The site plan does not provide the gross floor area of the existing building in the general notes, which should be provided for clarification. In addition, the permit number with the gross floor areas approved should be shown for clarification.

OTHER DEVELOPMENT DATA

<u>Parking Required:</u>	4
14 residents @ 1 space/ 4 residents	4
<u>Parking Provided:</u>	4
Standard Spaces	2
Van-Accessible ADA Spaces	2

Loading Spaces Required:

0

4,224 sq. ft.

Loading Spaces Provided:

0

3. **Location:** The site is in Planning Area 68, Council District 2. More specifically, it is located at 4111 East West Highway, on the south side of the roadway, approximately 450 feet east of its intersection with MD 500 (Queens Chapel Road) in Hyattsville. The property is described as Parcel 47, as shown on Tax Map 42, Grid B2.
4. **Surrounding Uses:** The subject site is bounded to the north by MD 410 (East West Highway); to the south and east by single-family detached residential dwellings in the R-55 Zone; and to the west by 41st Place. The subject site and all of the surrounding properties are located within the Traditional Residential Neighborhood (TRN) Character Area of the Development District Overlay (D-D-O) Zone established by the Gateway Arts District Sector Plan and SMA.
5. **Previous Approvals:** The site is known as Parcel 47 recorded in Prince George's County Land Records in Liber 22876 folio 280. The principal single-family residential structure was constructed on the property in 1935 and comprises approximately 2,244 square feet of gross floor area. This structure predates the timeframe that Prince George's County began maintaining permit records and there are no associated permit records available.

In accordance with Permit 21791-2012-RGU, a 1,980-square-foot residential addition was permitted and constructed in 2012. In addition, it is noted that the site includes an existing parking compound that is approximately 5,000 square feet, which was constructed without permits in approximately 2015 according to aerial imagery of the property, and is being validated with this application. Permit 7637-2015-01 was issued in 2015 that allowed for operation of a congregate living facility with up to eight residents, as an accessory to the existing residential use.

The site is the subject of Stormwater Management Concept Plan 10130-2018-00, which was approved by the Prince George's County Department of Permitting, Inspections and Enforcement on April 25, 2018 and is valid until April 25, 2021.

6. **Design Features:** The special permit (SP) has been filed in conjunction with DSP-17054 for the purpose of increasing the number of residents in the existing congregate living facility from 8 to 14 residents and validating the parking compound previously constructed without a permit. The main vehicular entrance providing ingress and egress to the site from MD 410 is existing and proposed to be modified with this application. This vehicular access provides two-way traffic on the site and is varied in width, tapering from 22 feet wide at the entrance to the site on MD 410 to 8 feet wide 50 feet into the site, to avoid impacting an existing large tree on the property and does not meet the minimum drive aisle requirement for two-way traffic of 22 feet wide. The drive aisle provides access to the parking lot located near the main building entrance and does not include a turn-around area. The applicant seeks a departure from the drive aisle width requirement per Section 27-548.25(e) of the Prince George's County Zoning Ordinance, which does not require a

separate application for such departures, but requires that the Prince George's County Planning Board find that the departure conforms to all of the applicable Gateway Arts District development district standards. The number of trips generated by this use is low and has been determined to be 2 AM and 3 PM peak-hour vehicle trips. The portion of the drive aisle at the site's access is 22 feet in width and offers adequate space for traffic to enter and exit the site at the same time, while providing for two car lengths of stacking on the site. Therefore, the Planning Board approved this departure for the reduced travel lane width. The applicant provided exhibits showing the turning radius of vehicles on the site and it was determined that vehicles have sufficient space to maneuver on the site using the modified drive aisle. It was noted that the turning radius is in close proximity to the required landscaping needed to buffer the proposed use. The Planning Board found that a traffic barrier should be used on the eastern side of the drive aisle to define the travel lane and prevent vehicles from damaging the required landscaping that is being proposed on the eastern property line.

Architecture

The existing building is designed to serve the residents and is described in detail in Finding 7(b) below.

Recreational Facilities and Amenities

The congregate living facility includes an outdoor patio and canopy at the rear of the building for passive recreational opportunities, but does not propose any additional recreational facilities.

Signage

No existing signs are located on the property and the application does not propose any new signage.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed to ensure that the expansion is compatible with the adjacent uses and meets the goals of the sector plan, as compared with the requirements in the R-55 and D-D-O Zones of the Zoning Ordinance.

- a. The development district standards contained in the Gateway Arts District Sector Plan and SMA replace all those contained in the Zoning Ordinance. The expansion of this congregate living facility to more than eight elderly or physically handicapped residents is permitted in the TRN Character Area of the D-D-O Zone, subject to a DSP and a SP. The requirements for approval of a special permit and standards associated with the expansion of the congregate living facility in the Gateway Arts District are further discussed in Findings 7b and 8 of this approval.
- b. Section 27-239.029(a)(6), Special Permits, of the Zoning Ordinance prescribes the following required findings for approval of a special permit:

(C) The Planning Board may grant a Special Permit in other zones, as provided in the use tables, if it finds:

(i) **The site plan generally conforms with design guidelines in an approved Master Plan or other applicable plan; and**

The DSP is not subject to the D-D-O standards in the Gateway Arts District Sector Plan and SMA per Footnote 2 on page 144, which states that R-55-zoned properties within the TRN Character Area, within the incorporated City of Hyattsville, are exempt from the development district standards and must follow the requirements of the R-55 Zone.

The previous approval of permits for the residential building addition and the addition of the congregate living facility for eight residents were evaluated for conformance to the R-55 Zone. The SP is for expansion of the congregate living facility use and the validation of the previously constructed parking spaces and is not proposing new construction. The proposed use does not propose to alter the building and does not change the site's conformance with the R-55 Zone; however, the construction of the proposed drive aisle and previously constructed parking spaces do increase the lot coverage on the site and should be reflected on the site plan.

(ii) **The site plan shows that the proposed use will not be incompatible with adjacent properties because of building or site design.**

The proposed congregate living facility for up to 14 residents is immediately adjacent to single-family residential uses to the east, west, and south. Given that this request is commercial in nature, additional consideration of the visual impact of the proposed use on abutting properties is necessary to ensure compatibility. Given that the existing lot size is larger than the adjacent ones, that the parking area is on the front of the lot near MD 410, and the building faces MD 410, the Planning Board found that the site design is compatible with the adjacent properties.

8. **2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District:** The subject property is located within the TRN Character Area of the Gateway Arts District Sector Plan and SMA. The proposed use is in conformance with the use table of the sector plan. A congregate living facility for more than eight elderly or physically handicapped residents is permitted, subject to approval of a special permit and DSP.

The property has a valid Use and Occupancy Permit (7637-2015-01) and has been in operation since the date of its approval as a congregate living facility for up to eight residents.

The sector plan and SMA permit the use of a congregate living facility for more than eight residents within the TRN Character Area, subject to the approval of a special permit. This

SP has been filed to fulfill this requirement. The proposed congregate living facility is consistent with the sector plan's approved land use map and its description of the TRN Character Area.

- (b) **In approving the Detailed Site Plan, the Planning Board shall find that the site plan meets applicable Development District Standards.**
- (c) **If the applicant so requests, the Planning Board may apply development standards which differ from the Development District Standards, most recently approved or amended by the District Council, unless the Sectional Map Amendment text specifically provides otherwise. The Planning Board shall find that the alternate Development District Standards will benefit the development and the Development District and will not substantially impair implementation of the Master Plan, Master Plan Amendment, or Sector Plan.**

As stated above, per a footnote in the development district standards, this property is subject to the requirements of the R-55 Zone and has been found to conform to those regulations.

- (e) **If a use would normally require a variance or departure, separate application shall not be required, but the Planning Board shall find in its approval of the site plan that the variance or departure conforms to all applicable Development District Standards.**

The proposed use would normally require a departure for the width of the travel lane. The applicant has asked for a departure to allow for a reduction of the drive aisle, as discussed in the approval of DSP-17054.

- 9. **2010 Prince George's County Landscape Manual:** The development district standards of the Gateway Arts District Sector Plan and SMA replace the requirements of the *Prince George's County Landscape Manual* (Landscape Manual). However, as discussed in Finding 7, this DSP is exempt from the development district standards and the requirements of the R-55 Zone apply. Therefore, the applicable Landscape Manual requirements include Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements.

- a. **Section 4.2, Requirements for Landscape Strips Along Streets**—The site is subject to Section 4.2 along MD 410 to the north and along 41st Place to the west. Section 4.2 requires that a landscape strip be planted with a minimum number of shade trees and shrubs per linear feet of road frontage.

The plan provides landscaping in these areas but does not include the appropriate labels on the landscape plan or schedules showing the required number of trees and shrubs. Therefore, a condition has been included in the approval of DSP-17054 requiring the applicant to label the landscape strip for clarification, and include the appropriate schedules showing conformance to Section 4.2.

- b. **Section 4.3, Parking Lot Requirements**—The site is subject to Section 4.3, specifically Section 4.3(c)(1) and (2). However, because the adjacent uses are incompatible, Section 4.7 requirements replace those of Section 4.3(c)(1) for perimeter landscape strips.

Section 4.3(c)(2) stipulates that interior parking lot planting is required for parking areas that measure 7,000 square feet or larger. The application proposes a parking area of approximately 1,400 square feet and therefore, is not required to provide an interior landscape area. However, the plans do not provide notes regarding these issues. Therefore, a condition has been included in the approval of DSP-17054 requiring the applicant to add notes regarding Section 4.3 applicability.

- c. **Section 4.7, Buffering Incompatible Uses**—The site is subject to Section 4.7, which requires a minimum number of planting units, building setbacks, and landscape yards, between incompatible uses. The subject application is required to provide a Type ‘B’ bufferyard along its southern and eastern property lines, where the property abuts existing single-family dwellings.

The landscape plan proposes landscaping along the southern and eastern property lines; however, the required building setback and landscape yard cannot be met along the eastern property line, and the applicant has requested alternative compliance, AC-18010, which was approved by the Planning Board in conjunction with DSP-17054.

10. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** The site is exempt from the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property contains less than 10,000 square feet of woodland on-site and has no previous tree conservation plan approvals. A standard Letter of Exemption (S-040-18) from the WCO was issued for this site, which expires on March 5, 2020.
11. **Prince George’s County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of TCC on projects that disturb more than 5,000 square feet. The site is required to provide a minimum of 15 percent of the gross tract area in TCC. This project is 19,135 square feet, which results in 2,870 square feet (or 0.65 acre) of required TCC for the site. The plans meet these requirements, proposing the required amount of coverage, and include a schedule demonstrating conformance to the Tree Canopy Coverage Ordinance. However, the Planning Board found that the schedule showing conformance is incorrect and shows the wrong site acreage and required amount of tree canopy, and should be revised. Therefore, a condition has been added to the DSP requiring the applicant to revise the schedule, as necessary, to provide the correct values.
12. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the appropriate agencies and divisions. The referral comments are incorporate herein and summarized, as follows:
- a. **Historic Preservation**—The Planning Board adopted herein by reference a memorandum dated June 8, 2018 (Stabler to Bishop), which noted that the proposed

project will have no impact on any designated Prince George's County historic sites, resources, or districts. The building on the subject property was constructed in 1935 according to tax records. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. A Phase I archeology survey is not recommended on the subject property. This proposal will not impact any historic sites, historic resources, or known archeological sites.

- b. **Community Planning**—The Planning Board adopted herein by reference a memorandum dated October 10, 2018 (Sams to Bishop), which provided an in-depth discussion of the SP's conformance with the D-D-O Zone that has been incorporated into Finding 8 above.
- c. **Transportation**—The Planning Board adopted herein by reference a memorandum dated October 11, 2018 (Masog to Bishop), which determined that the use would generate 2 AM and 3 PM trips.

The site is accessed from MD 410 on the north. Access is controlled by the Maryland State Highway Administration, which is requiring the applicant to construct a 22-foot-wide commercial driveway at the property's access point to MD 410 and has approved the access proposed on the submitted plan. The Planning Board supports the reduced driveway width on the property due to the low trip generation associated with the site. Therefore, the site was determined to be acceptable, with a condition that a traffic barrier be proposed along the eastern edge of the drive aisle to ensure that the turning movements of vehicles backing in and out of the parking spaces do not damage or impact the required landscaping. This condition was included in the approval of DSP-17054.

- d. **Subdivision**— The Planning Board adopted herein by reference a memorandum dated July 2, 2018 (Turnquest to Bishop), which found that the property is not subject to a preliminary plan of subdivision (PPS). There are no buildings proposed as a part of this application. Section 24-107(c)(7) of the Subdivision Regulations exempts this property from the requirement of filing a PPS, as it was subdivided by deed prior to January 1, 1982 and no development over 5,000 square feet is proposed.
- e. **Trails**— The Planning Board adopted herein by reference a memorandum dated June 27, 2018 (Lewis-DeGrace to Bishop), which noted the 2009 *Countywide Master Plan of Transportation* (MPOT) recommendations for the property and included a detailed discussion of the applicable standards. Based on the MPOT recommendations, a sidewalk should be added along the property's frontage of 41st Place. However, the Planning Board noted that master plan conformance is not required for the approval, and the City of Hyattsville verbally indicated that this sidewalk is not recommended. Therefore, this recommendation has not been added as a condition of approval.
- f. **Permits**— The Planning Board adopted herein by reference a memorandum dated June 22, 2018 (Hughes to Bishop), which offered numerous comments that have either

been addressed by revisions to the plan or have been included as conditions in the DSP approval.

- g. **Environmental**— The Planning Board adopted herein by reference an e-mail dated June 18, 2018 (Reiser to Grover), which noted that a Natural Resources Inventory Equivalency Letter (NRI-042-2018) has been issued based on the standard woodland conservation exemption and that no regulated environmental features will be impacted. The NRI equivalency letter is valid until March 5, 2023. A stormwater management approval (10130-2018) was submitted; the project is exempt from the stormwater management requirements because less than 5,000 square feet of disturbance is proposed. In addition, it was noted that the site does not front on any scenic or historic roadways, and no other environmental requirements have been identified for this application.
 - h. **Prince George's County Fire/EMS Department**—No comments regarding the subject project were received from the Fire/EMS Department.
 - i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)** —No comments regarding the subject project were received from DPIE.
 - j. **Prince George's County Police Department**—No comments regarding the subject project were received from the Police Department.
 - k. **Prince George's County Health Department**—No comments regarding the subject project were received from the Health Department.
 - l. **Washington Suburban Sanitary Commission (WSSC)**—In an e-mail dated June 26, 2018 (Stecher to Grover), and incorporated herein by reference, WSSC offered numerous comments regarding the provision of water and sewer to the development. These comments have been provided to the applicant and will be addressed through WSSC's separate permitting process.
 - m. **Maryland State Highway Association (SHA)**—In an e-mail dated June 05, 2018 (Woodruffe to Bishop), and incorporated herein by reference, SHA indicated that they have no comments or objections for the subject application.
 - n. **City of Hyattsville**—In an e-mail dated June 20, 2018 (Grebes to Bishop), and incorporated herein by reference, the City of Hyattsville provided a letter signed by Mayor Hollingsworth demonstrating support for the DSP and SP applications for Mama's Care Congregate Living Facility.
13. The subject application adequately takes into consideration the requirements of the D-D-O Zone standards of the Gateway Arts District Sector Plan and SMA. The required standards do not apply to the subject property because R-55-zoned properties within the TRN Character Area, within the incorporated City of Hyattsville, are exempt from the development district standards and must follow the requirements of the R-55 Zone. Therefore, no amendments to the development district

standards are proposed. As required by Section 27-548.25(c) of the Zoning Ordinance, the subject SP and associated DSP application would not substantially impair implementation of the sector plan.

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 APPROVED Special Permit SP-170001, for the above described land, subject to the following condition:

1. Prior to certificate of approval of this Special Permit (SP), the applicant shall revise the plans in accordance with the requirements of Detailed Site Plan, DSP-17054 (PGCPB No. 18-118).

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the Circuit Court for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

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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 Geraldo, seconded by Commissioner Doerner, with Commissioners Geraldo, Doerner, and Hewlett voting in favor of the motion, and with Commissioners Bailey and Washington absent at its regular meeting held on Thursday, November 15, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of December 2018.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

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