

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Revision of Site Plan for Special Exception 3890/05 requesting approval of an addition to the hospital, and VSE-3890/05 requesting a variance from the setback for hospitals 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 March 27, 2003, the Prince George's County Planning Board finds:

A. Location and Field Inspection:

The subject property is located on the west side of Livingston Road, approximately 900 feet north of Swann Creek. The address is 11701 Livingston Road. It is developed with a two-story, 33-bed hospital, a three-story medical office building, and a one-story ambulatory care facility.

B. Development Data Summary:

	EXISTING	PROPOSED
Zone	C-O	C-O
Use(s)	Hospital	Hospital
Acreage	7.01±	7.01±
Parcels	1	1
Square Footage/GFA	90,893 approved	99,193

C. History:

The subject site was zoned C-O with the approval of Zoning Map Amendment Application No. 9398 in 1979. A special exception application for an ambulatory care center, filed concurrently with the rezoning application, was dismissed after it was determined that an ambulatory care center was permitted by right in the C-O Zone. (See SE-3138.)

On June 22, 1989, a special exception for a 33-bed hospital was approved for the site (SE 3980), subject to the following conditions:

1. The applicant shall obtain a variance from the provisions of Section 27-364(a)(1)(C) and if the southern portion of the subject site is not to be utilized for the purposes of the development on site, may obtain a variance from the provisions of Section 27-450 for that area south of the southern entrance, valid only so long as no structure is placed south of the entrance.

2. Pedestrian connections shall link the hospital to Livingston Road.
3. The sidewalk along the west side of parking compound "A" shall be relocated to meet the curb.
4. The proposed site shall be relocated to meet the setback requirement of ten feet from the street line.
5. If Livingston Road is relocated adjacent to the property to the northwest, the owner shall provide the required landscaping in quantity and quality required at that time along the right-of-way of the landscape strip that is adjacent to Livingston Road relocated.
6. No permit shall be issued for occupancy until the permit-issuing authorities are certain that 15,000 square feet of the existing one-story ambulatory care facility is dedicated exclusively to the use of the hospital and ancillary hospital facilities.
7. Applicant shall file an amended site plan and landscaping plan for approval by the Office of the Zoning Hearing Examiner prior to any permits being issued pursuant hereto.

The site plan was revised prior to the initial building permit approval with regard to conditions 2, 3, 4, 6 and 7. As for Condition 5, Livingston Road has not been relocated. Therefore, the landscaping anticipated by condition 5 has not been required.

Variances have been granted several times from the 50-foot setback provisions of Section 27-364(a)(1)(C) along the western special exception boundary, which adjoins a C-O-zoned parcel also owned by the applicants.

On December 19, 1991, August 4, 1994, and April 24, 1997, revisions to the approved special exception totaling 8,816 square feet were approved by the Planning Board, allowing minor building additions and landscaping changes.

D. Master Plan Recommendation:

The subject property is addressed by the Subregion VII Master Plan approved in 1981. The master plan recommends business and institutional uses in the context of a major community activity center. The Subregion VII Sectional Map Amendment was approved in 1984 and retained the subject property in the C-O Zone.

E. Request:

The proposed revision is requested to permit the following changes and additions:

1. The addition of a two-story, 24,750-square-foot building to house:
 - a. An 11,000-square-foot nursing wing on the second level.
 - b. A 13,750-square-foot emergency department on the first level.
2. Deletion of the 19,065-square-foot building additions approved through ROSP-3890/04, resulting in a net increase of 8,300 square feet.
3. An increase in the number of hospital beds (permitted by the state licensing board) to 51 total beds;
4. Reconfiguration of parking and loading spaces to accommodate the new addition and hospital beds, and reconfiguration of the parking lot located in front of the medical office building;
5. Redesign of the landscape plan; and
6. Relocation of the two temporary trailers approved by Special Exception 3890/03.

F. Neighborhood and Surrounding Uses:

The property is surrounded by the following uses:

- Northwest— Proposed Livingston Road relocated (outlot “A”) and undeveloped, R-R-zoned land;
- East— Across Livingston Road: various commercial-service and retail uses in the C-M Zone;
- South— Undeveloped land, zoned C-O, owned by the applicant, then the Old Fort Village shopping center in the C-S-C Zone.

G. Minor Change Provisions:

Section 27-325(b)(1) allows the Planning Board to grant minor site plan revisions that do not exceed 15 percent of the approved gross floor area of a building and no more than a 15 percent increase in the land area covered by a structure other than a building, as well as redesign of parking and loading areas and the redesign of a landscape plan. The applicant’s proposal is within the parameters of the Planning Board’s authority pursuant to Section 27-325(c) as follows:

1. **Section 27-325(b)(1)(A)**

Allowed to increase the gross floor area of a building by no more than 15 percent:

- a. Through and including ROSP 3890/04, the total amount of gross floor area approved is 90,893 square feet.
- b. ROSP 3890/05 (this application), requests that the total amount of gross floor area be increased to 99,193 square feet.
- c. This is a proposed increase of nine percent, well within the 15 percent parameters of Section 27-325(b)(1)(A).

2. **Section 27-375(b)(1)(B)**

Allowed to increase the land area covered by a structure other than a building by no more than 15 percent:

- a. Through and including ROSP 3890/04, the total amount of land area covered by a structure other than a building is 134,927 square feet.
- b. ROSP 3890/05 (this application), requests that the total amount of land area covered by a structure other than a building be increased to 137,818 square feet.
- c. This is a proposed increase of two percent, well within the 15 percent parameters of Section 27-325(b)(1)(B).

3. **Section 27-325(b)(1)(C)**

Allowed to redesign parking or loading areas.

Parking and loading areas are proposed to be redesigned as part of this proposal.

4. **Section 27-325(b)(1)(D)**

Allowed to redesign the landscape plan.

The landscape plan will be redesigned as part of this proposal.

H. **Section 27-364 (a): Specific Special Exception Requirements:**

(a) A hospital, eleemosynary or philanthropic institution, or nursing or care home may be permitted, subject to the following:

(1) Hospital:

A. Total area–5 contiguous acres;

The site contains 7.01± acres, exceeding the minimum acreage requirement.

B. Street frontage–300 feet;

The site has 814± feet of frontage on the west side of Livingston Road and 548± feet on the southeast side of proposed Livingston Road relocated, exceeding the street frontage requirement.

C. Setback–50 feet from all boundary lines of the Special Exception

The proposed site plan, like the previous plans, meets this requirement except for locations along the western boundary, which is shared with an undeveloped parcel in the C-O Zone, which is also owned by the applicant. Variances have been obtained for those locations. Concurrent with this special exception revision is an application for a variance of 34 feet from this requirement in order to relocate two existing temporary trailers 16 feet from the boundary of the special exception.

I. Zone Standards and Need for Variances:

The development proposal meets the requirements of the C-O Zone. As previously mentioned, the applicant is seeking variances from Section 27-364(a)(1)(C), which requires a setback of 50 feet from all boundary lines of the special exception. A variance of 34 feet from the boundary line of Special Exception 3890 is required in order to relocate two existing, temporary trailers.

VSE-3890, a reduction of the 50-foot setback requirement of 27-364(a)(1)(C), was approved by the Planning Board in 1997 to allow the same two trailers to be located behind the hospital. Variances of 23 feet and two feet were granted.

VSE-3890/1, a reduction of the 50-foot setback requirement of 27-364(a)(1)(C), was approved by the Planning Board in 1994 to allow the liquid storage tank and the fence surrounding it to be located behind the hospital. Variances of 23 feet and 26 feet were granted.

J. Section 27-230 of the Zoning Ordinance states:

(a) A variance may be only granted when the District Council finds that:

1. **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

As was found by the Planning Board in the approval of VSE-3890 in 1997, due to the orientation of the existing hospital building to the street, at approximately a 45-degree angle, there is little room to expand behind the portion of the hospital in which the offices are located. Therefore, a variance of 34 feet is requested for the relocation of the two existing, temporary trailers

2. **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties, or exceptional or undue hardship upon the owners of the property. Without the requested variance, the applicants will not be able to relocate these trailers in close proximity to the administrative office of the hospital they are meant to serve, impairing the ability of the hospital to provide its services.

3. **The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

The variance will not impair the intent, purpose or integrity of the Subregion VII Master Plan. The master plan map locates the subject property within the major activity center land use category and notes the lack of health care facilities within the subregion. Expansion of the Fort Washington Hospital Care Center is in conformance with the comprehensive plan map and will improve the health care facilities within the subregion.

K. **Parking Regulations:**

A total of 246 parking spaces are required, not the 248 indicated on the site plan. A total of 303 parking spaces will be provided. Two loading spaces are required; and two loading spaces will be provided. Parking calculations for the hospital are based upon the number of beds and the amount of office space. It is unclear how the 15,000-square-foot area currently used as the ambulatory care center is to be used once the emergency department is added. Any additional office use will affect the total parking calculation. The applicant has indicated that the future use of this space is related to ambulatory care/emergency services and hospital functions, not office space. The site plan should indicate the future use of the ambulatory care center space and show the correct number of required spaces as 246.

L. **Landscape Manual Requirements:**

The site plan submitted by the applicant demonstrates compliance with all the applicable regulations of the *Landscape Manual* except for a five-foot landscape strip along the perimeter of the parking lot adjacent to Parcel “B” near Livingston Road, which is recommended as a condition of approval.

M. Sign Regulations:

There are no additional signs proposed with this application. Future signs will require sign permits. Any additional freestanding signs will require site plan revision.

N. Required Special Exception 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.

This request is in harmony with the purposes of the Zoning Ordinances as it fulfills the following purposes of Section 27-102:

- a. **To protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County;**
- b. **To implement the...area Master Plan;**
- c. **To promote the conservation, creation and expansion of communities that will be developed with adequate public facilities and services;**
- d. **To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry and business;**
- e. **To provide adequate light, air and privacy;**
- f. **To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;**
- g. **To protect the County from fire, flood, panic and other dangers;**
- h. **To encourage economic development activities that provide desirable employment and a broad, protected tax base;**
- i. **To prevent the overcrowding of land;**
- j. **To lessen the danger and congestion of traffic on the streets and to insure the**

continued usefulness of all elements of the transportation system for their planned functions;

These purposes are met, as the expansion of the hospital will allow for the health care needs of the present and future inhabitants of the county to be adequately served in accordance with the master plan. The proposed addition will allow the hospital to adequately serve its existing and growing patient population and allow for expansion of in-patient and emergency services. The proposed expansion, as designed, will allow for adequate light, air and privacy and will promote beneficial relationships between the use of the land and buildings and will protect adjacent landowners from any negative impacts. The hospital is surrounded by commercial uses and commercially zoned land. It remains compatible with its surroundings as evidenced by compliance with the *Landscape Manual*.

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

With the recommended conditions of approval and the approval of the requested variances, the proposal will be in harmony and conformance with the applicable requirements and regulations 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 subject property is in the South Potomac area of the Subregion VII Master Plan. The subject property, along with the adjacent Old Fort Shopping Center and lands to the west of the shopping center, is identified on the master plan map as a major community activity center. Major community activity centers are to contain a mix of retail, public and quasi-public uses. The Zoning Hearing Examiner found as part of the approval of Special Exception 3890 that the Old Fort Shopping Center qualifies under the retail component of the activity center provisions and the hospital qualifies under the quasi-public component of the activity center. Thus, the proposed hospital addition will not impair the integrity of the master plan.

The master plan calls for a relocation of Livingston Road. As part of a subdivision of the property in the early 1980s, outlot "A" was deeded to Prince George's County to allow for county construction of the relocated road when warranted.

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

The proposed addition will not adversely affect the health, safety or welfare of residents or workers in the area nor will it be detrimental to the use or development of adjacent properties

or the general neighborhood. The site is already developed with a medical office building and hospital.

Transportation Planning Section staff note the following:

The proposed addition of 8,900 gross square feet of hospital-related building would generate 10 AM and 14 PM peak-hour vehicle trips.... The majority of vehicle trips generated by the use on the subject property would utilize the intersection of Livingston Road/Swan Creek Road with MD 210. The impact of this revision would be quite minor due to the limited trip generation of the use.

Although the proposed site plan is acceptable, staff is concerned with the lack of raised pedestrian crosswalks at key locations where vehicular traffic could create undesirable and possibly unsafe situations. To this end, staff is recommending that the proposed site plan be revised to include raised pedestrian crosswalks along the existing driveway.

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

The hospital is surrounded by commercial land uses. The proposed use has been compatible with its surroundings for many years; and the proposed revision will not significantly alter those relationships.

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

The Environmental Planning Section letter of exemption, dated January 22, 2003, notes that the site is exempt from tree conservation requirements, as it does not contain at least 10,000 square feet of woodlands.

N. Conclusion:

The District Council determined, by its approval of Special Exception 3890 in 1989, that the use of a hospital would not be inharmonious with the purposes of the Zoning Ordinance, would not impair the integrity of the Subregion VII Master Plan, or be incompatible with the surrounding use and development. The applicants' minor change request falls within the parameters of Section 27-325(b) of the Zoning Ordinance. The proposed revisions to the approved site plan and requested variance will not alter the District Council's previous findings and conclusions of compliance with the Zoning Ordinance.

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 ROSP-3980/05 and further APPROVED VSE-3890/05 subject to the following conditions:

1. The site plan shall be revised to
 - a) Include the sidewalks and pedestrian crosswalks as shown on the attachment to the March 13, 2003 referral from Faramarz Mokhtari of the transportation Planning Section of M-NCPPC.
 - b) Add a five (5) foot wide landscape strip next to the parking lot adjacent to Parcel “C” near Livingston Road in front of the proposed fence.
 - c) Indicate the future use of the current ambulatory care center space.
 - d) Indicate the required number of parking spaces as 246.

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 Scott, seconded by Commissioner Eley, with Commissioners Scott, Eley and Hewlett voting in favor of the motion, and with Commissioner Lowe abstaining at its regular meeting held on Thursday, March 27, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of March 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:CW:rmk

(Revised 8/9/01)