

Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530

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Major Revision of Site Plan Special Exception Application No. 4084/04

Application	General Data
Project Name Fresenius Medical Dialysis Center	Date Accepted 4/16/02
	Planning Board Action Limit N/A
Location West side of 19 th Avenue, 1,200 feet south of its intersection with Chillum Road and northeast of the District of Columbia.	Tax Map & Grid 049 C-1
	Plan Acreage 30.47
	Zone R-55/O-S
	Dwelling Units N/A
Applicant St. Thomas More, Inc. 439 N. Bedford Drive Beverly Hills, California 90210	Square Footage N/A
	Planning Area 65/68
	Council District 02
	Municipality None
	200-Scale Base Map 206NE2

Purpose of Application		Notice Dates	
Addition of a Medical Office and Dialysis Center to an approved Medical-Residential Campus in accordance with Section 27-374 of the Zoning Ordinance		Adjoining Property Owners (CB-15-1998)	04/23/02
		Previous Parties of Record (CB-13-1997)	07/12/02
		Sign(s) Posted on Site	N/A
		Variance(s): Adjoining Property Owners	N/A
Staff Recommendation		Staff Reviewer: Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

July 17, 2002

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Arie Stouten, Zoning Supervisor

FROM: Tom Lockard, Senior Planner

SUBJECT: **Revision of Site Plan (Major Change) Special Exception Application No. 4084/04**

REQUEST: **Addition of a Medical Office and Dialysis Clinic to a Medical/Residential Campus**

RECOMMENDATION: **Approval, subject to a condition**

NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS:

- A. Location and Field Inspection: The subject property is located along the west side of 19th Avenue, south of Chillum Road and northeast of the District of Columbia. It is a Z-shaped parcel situated in the midst of a residential neighborhood (Avondale). It is developed with six buildings on a sprawling campus which collectively make up a residential and comprehensive nursing care facility. Much of the site remains in mature woodland.
- B. History: On April 12, 1993, the District Council approved Special Exception No. 4084 for a medical/residential campus on the subject property. The site plan has been revised three times since; twice in 1997 and again in 2000. As approved, the campus consists of the six buildings:

- Avondale Park Apartments	88 units
- Independent Elderly Housing	62 units
- St. Thomas Moore Nursing Center	242 units
- Congregate Housing (Malta House)	33 units
- Special Program Housing	8 units
- St. Ann's Infant and Maternity Home	92 units

The existing buildings also contain a variety of medical and administrative offices as well as recreational space.

The 1994 *Sectional Map Amendment for Planning Area 68* retained the site in the R-55 and O-S Zones.

- C. Master Plan Recommendation: The 1994 *Master Plan for Planning Area 68* recommends a public/quasi-public use for the subject property.
- D. Request: The applicant requests permission to convert 3,500 square feet of existing building space within the St. Thomas Moore Nursing Center for a dialysis clinic. The dialysis clinic has been operating pursuant to temporary Use and Occupancy Permit No. 1015-2001-02. Section 27-374(a)(6) provides for District Council approval of any amendments to a site plan for a medical/residential campus.
- E. Neighborhood and Surrounding Uses: The site is surrounded by the following uses:
- | | |
|-------------------|---|
| <u>North-</u> | Garden apartments and the Michigan Park Hills neighborhood playground in the R-18 Zone |
| <u>East-</u> | Across 19 th Avenue and LaSalle Road are single-family detached residences in the R-55 Zone. |
| <u>South-</u> | The Avondale neighborhood park in the O-S Zone |
| <u>Southwest-</u> | A federally owned parkland strip known as the Fort Drive Project-U.S. Reservation No. 451. |

The neighborhood is defined by the following boundaries:

North- Jefferson Street/15th Avenue/Chillum Road

East- 19th Avenue/LaSalle Road

South- Eastern Avenue right-of-way and the District of Columbia

West - Sargent Road

The character of the neighborhood is residential. Single-family detached housing in the R-55 Zone and garden apartments in the R-18 Zone are the most visibly prominent uses from the public streets. Four residentially compatible institutional uses and two parks, however, occupy the majority of the land area in the neighborhood. These uses contain large amounts of green space, much of it wooded.

F. Specific Special Exception Requirements ~~Section 27-374~~ **Medical/Residential Campus:**

(a) **A medical/residential campus for retirement-aged persons may be permitted, subject to the following:**

(1) **General requirements.**

- (A) **The campus shall primarily serve needs of the retirement-aged community. 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;**
- (B) **The campus shall achieve a balanced residential/medical environment which is unique to the neighborhood in which it is located, and which cannot be achieved through the use of conventional zoning proposals;**
- (C) **Residences shall be functionally, physically, and architecturally integrated with service and recreational/activity centers;**
- (D) **Medical services (if any) shall be conveniently located for the residents; and**
- (E) **Commercial or service-oriented uses shall be grouped together, and shall be located near the population being served.**

(2) **Specific requirements.**

- (A) **The subject property shall contain at least twenty-five (25) contiguous acres;**
- (B) **The site shall have frontage on, and direct vehicular access to, an existing street with sufficient capacity to accommodate any traffic generated by the campus;**
- (C) **All buildings, structures, off-street parking compounds, and loading areas shall be located at least:**

- (i) **One hundred (100) feet from any adjoining land in a Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan;**
 - (ii) **Fifty (50) feet from all other adjoining property lines (except street lines); and**
 - (iii) **Twenty-five (25) feet from all adjoining street lines;**
- (D) All perimeter areas of the site shall be buffered or screened in accordance with the provisions of the Landscape Manual, and the applicant shall demonstrate that the required buffer yards will provide reasonable sight and sound barriers;**
- (E) Not less than forty percent (40%) of the site shall be devoted to green area;**
- (F) Regulations concerning the height of structure, lot size and coverage, frontage, setbacks, density, and other requirements of the specific zone in which such campus is to be located, 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 development under a given Special Exception; and**
- (G) Notwithstanding Section 27-118.1, more than one (1) dwelling may be located on a lot containing a one-family dwelling.**
- (H) Prior to approval of a Special Exception for a medical/residential campus for property for which a subdivision is not approved for the entire property in accordance with the proposed medical/residential campus site plan, the applicant shall demonstrate to the satisfaction of the Zoning Hearing Examiner or of the District Council that the entire development and use meets the following criteria:**
 - (i) Transportation facilities (including streets and public transit) which are existing, which are under construction, or for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation**

systems shown on the approved General or Area Master Plans, or urban renewal plans;

- (ii) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County Capital Improvement Program (such as public safety, recreation areas, water and sewerage systems, libraries, and fire stations, but excluding schools) will be adequate for the uses proposed; and
- (iii) Notwithstanding subparagraphs (i) and (ii), above, where the application anticipates a construction schedule of more than six (6) years, public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Zoning Hearing Examiner or the Council shall also find that public facilities will probably be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Zoning Hearing Examiner or the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.

(3) Uses.

- (A) Only those uses which appear on an approved site plan shall be permitted on the medical/residential campus. The District Council may only approve those uses which provide a harmonious, balanced mix of medical, residential, and limited commercial uses primarily serving campus residents, and public, quasi-public, and medical services for the off-campus retirement-aged community. Other uses may include (but need not be limited to) the following:
 - (i) Dwellings, nursing and care homes, and congregate living facilities for the elderly or physically handicapped;
 - (ii) Medical facilities, including professional offices, laboratories, clinics, professional or paramedical training centers, and ambulatory care facilities. Business signs in conjunction with approved medical facilities shall be permitted in accordance with the provisions of Part 12 applicable to the C-O Zone;
 - (iii) Retail commercial uses which are strictly related and subordinate to the residential/medical character of the campus and

which directly serve the residents and employees of, or visitors to, the center, including retail uses similar to those in the C-A (Commercial Ancillary) Zone. The uses should be chosen to reflect their local orientation to the immediate campus vicinity and should be of a size and scope so as not to interfere with existing or proposed retail uses located in the off-campus area. Business signs in conjunction with retail commercial uses shall be permitted in accordance with the provisions of Part 12 of this Subtitle applicable to the C-A Zone; and

- (iv) **Recreational and social uses, such as athletic facilities, community centers, and assembly halls, limited to use only by campus residents, employees, and guests.**

(4) Site plan and other submission requirements.

- (A) In addition to the requirements of Section 27-296(c), the site plan shall set forth:**

- (i) Existing and proposed topography at not more than five (5) foot contour intervals;**
- (ii) Existing and proposed drainage patterns;**
- (iii) Existing vegetation and other natural features; and**
- (iv) Proposed provisions for sediment control and storm water management.**

Finding: The applicant is proposing a medical use which is one of the types of uses envisioned for a medical/residential campus. The request is a minor amendment to the approved site plan, which the District Council has found four times to achieve a balanced medical/residential environment unique to the neighborhood in which it is located. There is nothing in the applicant's proposal that brings to question any of the previously made positive finding for this development. If approved with the condition recommended in this report, the campus will continue to serve the needs of the retirement-aged community in a convenient and integrated manner.

- G. Parking Regulations: The mix of uses shown on the site plan require 249 parking spaces. The site plan provides 274 parking spaces.
- H. Landscape Manual Requirements: The proposal uses existing building area and does not add parking spaces. Thus, no changes to the previously approved landscape plan are necessary.
- I. Zone Standards: Regulations concerning the height of structure, lot size and coverage, frontage, setbacks, density, and other requirements of the specific zone in which this campus is located do not apply to uses and structures provided for in this section. The dimensions and percentages shown on

the approved site plan constitute the regulations for development under this Special Exception. The proposed revision does not alter these data.

- J. Sign Regulations: No additional signs are proposed.
- K. Other Issues: The Permit Review Section (M-NCPPC), in its referral dated May 13, 2002, notes that new COMAR regulations require one out of every four accessible parking spaces to be van accessible. The site plan and parking schedule must be revised to show conformance with this requirement.
- 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.**
- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**
- (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.**
- (4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**
- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**
- (6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

Finding: The District Council, in its 1993 special exception approval, found that the use and site plan met all the requirements of the Zoning Ordinance. The applicant's proposal to add a dialysis clinic to the medical services available at this medical/residential campus is a logical choice which does not increase the intensity of the use, but rather complements it. It is therefore reasonable to conclude that the proposed use will continue to be in harmony with the purposes of the Zoning Ordinance.

In addition, the proposed revision conforms with all the applicable requirements and previous conditions of approval attached to the original special exception and the three previous revisions. The use will not impair the integrity of the 1994 *Master Plan for Planning Area 68*, which recognizes the existing use and recommends the continuation of a public/quasi-public use on the site. The medical/residential campus has existed, in one form or another, for many years at this location without causing any apparent impact on the health, safety or welfare of residents or workers in the area. The proposed dialysis clinic will not be detrimental to the use or development of adjacent properties, most of which are developed with single-family residences and institutional uses. Finally, the site remains in conformance with the previously approved Tree Conservation Plan.

CONCLUSION:

The applicant has met its burden of proof in this application. Therefore, staff recommends APPROVAL of ROSP-SE-4084/04, subject to the site plan and parking schedule being revised to show one out of every four accessible parking spaces to be van accessible in conformance with COMAR 05.02.02.