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Special Exception Alternative Compliance Sterling Care Hillhaven

SE-24003
AC-25008

REQUEST	STAFF RECOMMENDATION
<p>SE-24003: For the expansion of an existing nursing or care home use, to include 36 additional skilled care beds and 23,745 additional square feet of gross floor area</p> <p>AC-25008: Alternative compliance from Sections 4.7 and 4.9 of the 2010 Prince George's County Landscape Manual</p> <p>Variance: From Subtitle 25 of the Prince George's County Code for the removal of two specimen trees</p>	<p>With the conditions recommended herein:</p> <ul style="list-style-type: none">• Approval of Special Exception SE-24003• Approval of Type 2 Tree Conservation Plan TCP2-007-2025• Approval of Alternative Compliance AC-25008• Approval of Variance to Section 25-122(b)(1)(G)

Location: On the west side of Powder Mill Road, approximately 200 feet south of its intersection with Pleasant Acres Drive	
Gross Acreage:	8.34
Zone:	RR
Zone Prior:	R-R
Reviewed per prior Zoning Ordinance:	Section 27-1903(b)
Dwelling Units:	N/A
Gross Floor Area:	118,027 sq. ft.
Lots:	2
Parcels:	3
Planning Area:	61
Council District:	01
Municipality:	N/A
Applicant/Address: Hillhaven SNF Realty, LLC 709 Kersey Road Silver Spring, MD 20902	
Staff Reviewer: Evan King Phone Number: 301-952-3554 Email: evan.king@ppd.mncppc.org	



Planning Board Date:	06/05/2025
Planning Board Action Limit:	N/A
Staff Report Date:	05/22/2025
Date Accepted:	02/28/2025
Informational Mailing:	10/10/2024
Acceptance Mailing:	02/27/2025
Sign Posting Deadline:	N/A

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at

http://www.mncppcapps.org/planning/Person_of_Record/.

Please call 301 952 3530 for additional information.

Table of Contents

I.	EVALUATION CRITERIA	4
	A. Prince George’s County Zoning Ordinance	4
	B. Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance.....	5
	C. Prince George’s County Tree Canopy Coverage Ordinance.....	5
II.	BACKGROUND.....	5
III.	COMPLIANCE WITH APPLICABLE PROVISIONS OF THE ZONING ORDINANCE.....	6
IV.	COMPLIANCE WITH APPLICABLE PROVISIONS OF THE 2010 PRINCE GEORGE’S COUNTY LANDSCAPE MANUAL.....	13
V.	ALTERNATIVE COMPLIANCE.....	14
VI.	COMPLIANCE WITH APPLICABLE PROVISIONS OF THE 2024 PRINCE GEORGE’S COUNTY WOODLAND AND WILDLIFE HABITAT CONSERVATION ORDINANCE.....	15
VII.	COMPLIANCE WITH APPLICABLE PROVISIONS OF THE PRINCE GEORGE’S COUNTY TREE CANOPY COVERAGE ORDINANCE.....	20
VIII.	REFERRAL COMMENTS	20
IX.	COMMUNITY FEEDBACK.....	21
X.	RECOMMENDATION	21

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT:

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

VIA: Jeremy Hurlbutt, Supervisor, Zoning Section, Development Review Division

FROM: Evan King, Planner II, Zoning Section, Development Review Division

SUBJECT: Special Exception SE-24003
Sterling Care Hillhaven

REQUEST: **SE-24003:** Special exception for the expansion of an existing nursing or care home use.

AC-25008: Alternative compliance from Sections 4.7 and 4.9 of the 2010 *Prince George's County Landscape Manual*

Variance: for the removal of two specimen trees

RECOMMENDATION: **APPROVAL, with conditions**

NOTE:

The Prince George's County Planning Board has scheduled this application on the consent agenda, for transmittal to the Zoning Hearing Examiner, on the agenda date of June 5, 2025.

You are encouraged to become a person of record in this application. Requests to become Persons of Record should be submitted electronically, by email to: ZHE@co.pg.md.us. 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.

The Zoning staff has reviewed the subject application and presents the following evaluation and findings leading to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

I. EVALUATION CRITERIA

- A. Prince George's County Zoning Ordinance.** This property is located within the Residential, Rural (RR) Zone. However, this application has been submitted and reviewed under the applicable provisions of the Prince George's County Zoning Ordinance effective prior to April 1, 2022 (prior Zoning Ordinance), pursuant to Section 27-1900 *et seq.* of the current Zoning Ordinance. Under the prior Zoning Ordinance, the site was in the Rural-Residential (R-R) Zone, which was effective prior to April 1, 2022. Pursuant to Section 27-1903(b) of the current Zoning Ordinance, development applications of any type for properties not in the Legacy Comprehensive Design (LCD), Legacy Mixed-Use Community (LMXC), and Legacy Mixed-Use Town Center (LMUTC) Zones may utilize the prior Zoning Ordinance. The subject application qualifies for review under the prior Zoning Ordinance because the subject property is not in the LCD, LMXC, or LMUTC Zones. The application complies with the requirements of Section 27-1904 of the current Zoning Ordinance and was accepted for review on February 28, 2025, prior to the abrogation date of Section 27-1900 for use of the prior Zoning Ordinance (April 1, 2025).

A special exception (SE) is reviewed and decided by the Prince George's County Zoning Hearing Examiner. Pursuant to Section 27-317(a) of the prior Zoning Ordinance, an SE may only be approved upon a finding that all the following standards are met:

Section 27-317(a)

- (1) The proposed use and site plan are in harmony with the purpose 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 Master 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; and**
- (6) The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and**

(7) **The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5).**

B. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance. Pursuant to Section 25-119(a)(2)(B) of the Prince George's County Code, SE applications shall include a Type 2 tree conservation plan (TCP2) or a standard letter of exemption.

C. Prince George's County Tree Canopy Coverage Ordinance. The property is subject to a minimum tree canopy coverage (TCC), per requirements set forth in Section 25-128 of the Prince George's County Code.

II. BACKGROUND

A. Summary and Request: Special exception for the expansion of an existing nursing or care home use, to include 36 additional skilled care beds and 23,745 square feet of gross floor area.

B. Development Data Summary:

	EXISTING	EVALUATED
Zone(s)	RR (prior R-R)	R-R
Use	Nursing or care home	Nursing or care home
Gross Acreage	8.34	8.21
Right Of Way Dedication (acres)	N/A	.13
100-Year Floodplain (acres)	.35	.35
Net Lot (acres)	7.99	7.86
Lot(s)	2	2
Parcel(s)	3	3
Dwelling Units	1	1
Gross Floor Area	94,282	118,027
Beds	126	162

C. Location and Site Description: The subject property is located on the west side of MD 212 (Powder Mill Road), approximately 200 feet south of its intersection with Pleasant Acres Drive. The 8.34-acre property consists of two lots and three parcels known as Lot 1, Lot 2, Parcel 23, Parcel 24, and Parcel 108. It is adjacent to single-family detached residential lots and a federal installation. This application requests to expand the existing nursing or care home facility from Lot 2 to Parcels 23 and 24.

D. Proposed Use(s): The subject application is for the expansion of an existing nursing or care home use from 126 to 162 beds. Parcel 24 contains a single-family detached dwelling unit that the applicant proposes to raze.

- E. Neighborhood and Surrounding Uses:** The general neighborhood is bordered by I-95/495 (Capital Beltway) to the south and east, Cherry Hill Road to the north, and the Montgomery County border to the west. The neighborhood is primarily residential in character, including single-family detached and multifamily development, but includes a federal installation (Army Research Laboratory) across a floodplain and open space area to the north of the property. The immediate uses surrounding the subject property are as follows:

North—	Federal installation and open space in the ROS Zone (previous R-O-S Zone).
West—	Single-family residential lots in the RR and ROS Zones (previous R-R and R-O-S Zones).
South—	Powder Mill Road, with a place of worship in the RR Zone (previous R-R Zone) and open space in the ROS Zone (previous R-O-S Zone) beyond.
East—	Single-family detached residential dwellings in the RR Zone (previous R-R Zone).

- F. History and Previous Approvals:** Prior approvals for the nursing or care home use, which this case is requesting an expansion of, are listed below:

Initial approval for the nursing or care home use on the site was provided by SE-713. It was approved with no conditions by the Prince George's County District Council in 1961. This SE allowed for a five-bed nursing home.

SE-1757 was approved, with no conditions, to expand the nursing home to 18 beds, in 1968.

SE-3505 was approved, with no conditions, to expand the nursing home to 60 beds, in 1984. This special exception was revised in 1991 to allow a sign and parking space relocation.

SE-4197 was approved in 1997 to expand the nursing home to 126 beds and add 54,536 square feet of gross floor area. Alternative Compliance AC-95081 was used to provide stormwater improvements to satisfy the condition of approval for this SE.

The first revision to the current SE, ROSE-SE-4197-01, to change parking and loading configuration and expand the nursing home to 92,754 feet, was approved in 1998. The second revision, ROSE-SE-4197-02, to reconfigure parking, add a gazebo and fire access, was approved in 2000. The third revision, ROSE-SE-4197-02, to construct a 400-square-foot addition to the nursing home, was approved in 2017.

III. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE ZONING ORDINANCE

This application, for the expansion of a nursing or care home use through an SE, is being reviewed in accordance with the prior Zoning Ordinance. The analysis of all required findings for approval are provided below.

Required Findings—Section 27-317 of the prior Prince George’s County Zoning Ordinance provides the following applicable findings:

(a) A Special Exception may be approved if:

(1) The proposed use and site plan are in harmony with the purpose of this Subtitle.

The purposes of Subtitle 27 of the Prince George’s County Code, as set forth in Section 27-102(a)(1–15) of the prior Zoning Ordinance, are generally to protect the health, safety, and welfare of the public; to promote compatible relationships between various land uses; to guide orderly development; and, to ensure adequate public facilities and services.

Staff find that the proposed use is in harmony with the purposes of this subtitle, and will not negatively impact the health, safety, and welfare of the public. The proposed nursing or care home expansion will be adequately buffered from surrounding residential uses in accordance with the requirements of the 2010 *Prince George’s County Landscape Manual*, which is evaluated further below. The proposed use will provide elder care for the surrounding areas and increase this service without substantial impact to public facilities, given it is an expansion to an existing facility. The project also promotes orderly development by expanding the existing facility in adherence with the regulations of the prior Zoning Ordinance as outlined in this technical staff report. This proposal will also be subject to a preliminary plan of subdivision (PPS) and required to obtain a certificate of adequacy (ADQ) of public facilities.

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

The proposed project is in conformance with the requirements and regulations set forth in prior Subtitle 27.

The proposed use is being evaluated according to the general required findings of approval for all SEs, requirements specific to a nursing or care home, and requirements of the R-R Zone contained in Sections 27-317, 27-364, and 27-442 of the prior Zoning Ordinance, as discussed below.

(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 Master Plan, the General Plan;

Staff find that the proposed project will not substantially impair the integrity of the 2010 *Approved Subregion 1 Master Plan* (master plan).

The master plan recommends a low-density residential land use on the subject property (Map 13, Approved Future Land Use for Subregion 1, page 160), but does not provide a definition for low-density residential land uses. The existing facility is two stories in height, and the proposed addition will maintain this low scale while adding 36 beds. The addition is designed to extend along the western property line, oriented toward Powder Mill Road, and will not significantly alter the building's overall footprint or massing. Its placement and scale minimize visual and physical impacts on the surrounding area, preserving the low-density residential character envisioned in the master plan.

As such, the proposed addition is compatible with the surrounding land uses and will not substantially impair the integrity of the master plan or its recommendations.

The subject property is located within the Calverton Living Area as designated by the master plan (Map 13, Approved Future Land Use for Subregion 1, page 160, Living Areas). The master plan identifies demographic characteristics by living area and identifies a substantial population of senior singles or couples in the Calverton Living Area (page 115).

The master plan recommends incorporating "a diversity of housing types ... to accommodate all income levels" (page 79). While a senior care home does not constitute a traditional residential dwelling, this housing type responds to a demographic need within the master plan area. The expanded care home capacity would create a greater diversity of residential opportunities for aging residents.

The master plan also recommends establishing "guidelines that ensure that new development is compatible with the current character of the neighborhood" (page 117). While the current Zoning Ordinance features such standards, this analysis is based on dimensional standards in Section 27-442 of the prior code and the 2010 Prince George's County Landscape Manual, and find compliance with the standards set by these documents. The proposed expansion of the existing senior care home facility consists of an improvement of the facility that is compatible with the surrounding community. The project responds to a need in the Calverton Living Area, in a manner which respects the current character of surrounding low-density residential neighborhood.

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

Staff find that the proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area.

As previously discussed, this application is an expansion of an existing nursing or care home use. The site has hosted the nursing home for 60 years. Required setbacks and plantings on Parcel 108 will buffer the use from surrounding residences. Aside from a new emergency access point on Parcel 108, vehicular access points will remain from those existing on Powder Mill Road. Access driveways and drive aisles meet the minimum requirement of 22 feet wide. The Maryland State Highway Administration (SHA) requires the commercial access driveways along MD 212 to meet the minimum 25-foot width, which is reflected on the plan. The easternmost driveway connects Pleasant Acres Drive to MD 212 and can support two-way vehicular traffic. A sidewalk and crosswalk provide a direct pedestrian route along this driveway to the building entrance. These improvements will provide safe access to the site.

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

Staff find that the proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

The general neighborhood is residential and, with the exception of the subject property, developed primarily at a low density. As previously noted, the properties to the east and west are developed with single-family detached residential dwellings. The property to the north contains open space and a federal installation. To the south, across Powder Mill Road, there is a place of worship. The proposed expansion is not of a magnitude great enough to substantially impact roadway service, and the use will not negatively impact the adjacent place of worship, as personal vehicle use by residents of the assisted living facility is low and will remain low. The use, with its proposed expansion, is adequately buffered from bordering residential lots.

(6) The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and

TCP2-007-2025 was submitted with this SE application and is recommended for approval with conditions herein. Minor revisions to the TCP2 are required for conformance and are included in the Recommendation section of this report.

(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5).

Two primary management area (PMA) impacts are proposed with this application. Both impacts are associated with the site's stormwater management (SWM) and are considered necessary impacts. The applicant submitted a SWM incorporating micro-bioretenion devices, planter boxes, and filtration devices, which was approved in November of 2024. Staff find that impacts to regulated environmental features (REF) have been avoided and/or mitigated to the fullest extent possible.

Impact 1 – 0.03 acres (1,301 square feet)

This impact is for the colocation of a proposed SWM outfall and utility line. The impact is proposed at the place of least impact and is considered necessary per the 2018 Environmental Technical Manual (ETM). Two hundred thirty-seven square feet of this impact is temporary for site access. Staff is in support of Impact 1 as proposed, as shown on the approved SWM plan.

Impact 2 – 270 square feet

This impact is for an existing SWM facility that was constructed with TCPII-098-96. This feature is shown on the approved SWM plan, and it is proposed to remain. The ETM generally considers impacts for SWM facilities avoidable; however, this is an existing facility. Relocating this existing feature outside of the PMA would require additional impacts to the PMA, to remove the feature, and would result in increased SWM requirements. Staff is in support of Impact 2 as proposed and shown on the approved SWM plan.

Additional Requirements for Specific Special Exceptions—Section 27-364(a)(6) nursing or care home, of the prior Zoning Ordinance provides the following applicable requirements:

(6) Nursing or care home in all other zones where this use is permitted by Special Exception, where eleven (11) or more persons are cared for:

(A) Total area – 1/2 acre, plus 1,000 contiguous square feet for each person cared for above 10;

The proposed project exceeds the total area requirement as follows:

Required site area with 162 beds: 173,780 square feet
Total contiguous site area: 363,290 square feet

(B) Street frontage – 150 feet;

The proposed project meets this requirement as street frontage is 770 feet, which exceeds the 150-foot requirement.

(C) Setback – 25 feet from all boundary lines of the Special Exception

The building setback from all of the property boundaries is a minimum of 25 feet.

Regulations of the R-R Zone: The following regulations of the R-R Zone are applicable to the proposed project.

Section 27-420 – Fences and walls

- (a) Unless otherwise provided, fences and walls (including retaining walls) more than six (6) feet high shall not be located in any required yard, and shall meet the setback requirements for main buildings. (See Figure 42.) On lots consisting of one (1) acre or less, fences in the front yard shall not be more than four (4) feet high unless a variance is approved by the Board of Appeals. In the case of a corner lot consisting of one (1) acre or less, fences in the front yard or side yard shall not be more than four (4) feet high unless a variance is approved by the Board of Appeals. Fences constructed pursuant to a validly issued building permit prior to October 1, 2008, shall not be deemed nonconforming; however, replacement of an existing fence must comply with the four (4) foot limitation.
- (d) Walls and fences more than four (4) feet high (above the finished grade, measured from the top of the fence to grade on the side of the fence where the grade is the lowest) shall be considered structures requiring building permits.
- (g) Except for fences less than four (4) feet in height, fences not requiring a permit, and fences on land assessed as agricultural uses, all structural support (vertical posts and horizontal rails) shall face the interior of the subject lot. (See Figure 42.1).

The proposed fence does not exceed 6 feet in height, will feature and will be permitted as required. The fence's location and detail is not shown on the landscape plan and a condition has been added herein to show conformance of location and standards.

Section 27-421-01 – Frontage

Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code. Additional provisions are contained in Sections 27-431(d) and (e) and 27-433(e) and (f).

The proposed project has frontage on and direct vehicular access to Powder Mill Road.

Section 27-424.01 – Dwellings as accessory buildings

(a) In any Residential Zone, a dwelling shall be a main building on the lot on which it is located, except in the following instances where a dwelling may be considered an accessory building (on the same lot as another building housing the principal use of such lot):

(3) Dormitories, staff housing facilities, and the like, which are accessory to institutional uses (schools, hospitals, and the like)

Parcel 108 contains an existing single-family detached dwelling which is proposed to remain and be used for staff housing. It is, therefore, an accessory use as part of the special exception use for a nursing or care home.

Section 27-442 – Regulations

The minimum net lot area for other allowed uses in the R-R Zone is 20,000 square feet. The proposed project meets this requirement, having a 7.86-acre net lot area.

The maximum lot coverage percentage for other allowed uses in the R-R Zone is 60 percent. The proposed project meets this with 38 percent lot coverage.

The minimum lot width at the street frontage for other allowed uses in the R-R Zone is 100 feet. The proposed project meets this requirement with approximately 750 feet of lot width at street frontage of Powder Mill Road.

The minimum front yard depth for other allowed uses is 25 feet. The proposed project meets this with a 33-foot front yard depth.

The minimum side yard depth is 25 feet. The project proposes a minimum 25-foot side yard depth.

The minimum rear yard depth is 25 feet.* The proposed project meets this with a 47-foot rear yard depth.

The maximum allowed building height for all uses in the R-R Zone is 35 feet. The proposed project will have a maximum height of 26.83 feet.

NOTE: *All setbacks must be 25 feet, rather than the general R-R Zone setbacks required by Section 27-442(e), per the special exception standards contained in Section 27 364(a)(6) of the prior Zoning Ordinance.

Section 27-568 – Schedule (number) of spaces required, generally.

A nursing home use requires one parking space for every three beds, per Section 27-568 of the prior Zoning Ordinance. The 162 proposed beds will, therefore, require 54 parking spaces. The proposed project includes 61 parking spaces.

Loading spaces are not required for a nursing or care home, and no signage is proposed as part of this application. One sign is existing on the site, as shown and approved with prior site plans for the site.

Staff find that the proposed project meets the requirements of the prior Zoning Ordinance pertaining to the R-R Zone.

IV. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE 2010 PRINCE GEORGE'S COUNTY LANDSCAPE MANUAL

The proposed development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Specifically, conformance is required to Section 4.1, Residential Requirements; Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.5, Stormwater Management Facilities; Section 4.7, Buffering Incompatible Uses, and Section 4.9, Sustainable Landscaping Requirements. Analysis of conformance with these sections is discussed below:

Section 4.1, Residential Requirements

With 173,387 square feet of green space provided, 109 shade trees are required in the Rural or Developing Tier. There are 233 existing shade trees in the provided green space not proposed to be disturbed.

Section 4.2, Landscape Strips Along Streets

The proposed landscape strips along Powder Mill Road do not satisfy requirements for landscape strips along streets, as laid out in Section 4.2 of the Landscape Manual, as an insufficient number of shade trees are provided. A condition of approval is included in the Recommendation section of this report, to ensure compliance with the planting requirement.

Section 4.3, Parking Lot Requirements

The proposed new parking lot is less than 7,000 square feet and, therefore, exempt from Section 4.3 of the Landscape Manual requirements. The existing parking lot is required to conform with these requirements for previous approvals, and the applicant is required to document these previous Landscape Manual compliance approvals in a certificate of landscape maintenance, included on the new landscape plan. The applicant has not provided a certificate of landscape maintenance, so a condition of approval is included in the Recommendation section of this report to ensure the applicant provides the required certificate of landscape maintenance.

Section 4.4, Screening Requirements

The proposed screening for the loading area between the existing building and the additional building satisfies requirements for screening loading spaces, as specified in Section 4.4 of the Landscape Manual, being composed of continuous shrubs 6 feet or more in height and trees 8 feet or taller.

Section 4.5, Stormwater Management Facilities

The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) has approved the applicant's submitted SWM concept plan, which satisfies this requirement of the Landscape Manual.

Section 4.7, Buffering Incompatible Uses

The site is bordered on its north side and part of its west side by a federal installation. The nursing home is buffered from this installation by an extensive wooded area, significantly exceeding setback requirements and occupying a large portion of the property, including a floodplain as well as a landscaped bufferyard of the required width.

Both sides of the property abut single-family residential lots. The bufferyard provided on part of the western boundary of the site falls 5 feet short of the requirement. The applicant submitted an AC for Bufferyard 4.7-A, proposing a fence and additional plantings for screening, which is discussed further below.

Section 4.9, Sustainable Landscaping Requirements

Proposed trees and shrubs to be planted satisfy requirements for percentages of native species in all categories, with no invasive species existing or proposed for the site. One tree is proposed to be planted on a slope greater than 3:1, for which the applicant has requested AC. The applicant has provided details on the planting, which is designed to survive the slope, and is discussed further below.

- V. **ALTERNATIVE COMPLIANCE:** The applicant requests AC from Section 4.7, Buffering Incompatible Uses, along the western border of the property, for what has been named Bufferyard A, and Section 4.9, Sustainable Landscaping Requirements, for planting a tree on a steep slope. The applicant submitted an additional AC request from Section 4.7 for Bufferyard D. The Planning Director states that, prior to certification, the applicant shall remove the AC request from Section 4.7 for Bufferyard D from the landscape plan, as the request was withdrawn because a change to the SE site plan eliminated the need for it.

The applicant is proposing the following alternatives to typical standards:

Section 4.7, Buffering Incompatible Uses

REQUIRED: Section 4.7, Buffering Incompatible Uses, Bufferyard A, adjacent to a single-family detached residential use

Length of bufferyard	637 linear feet
Minimum building setback	30 feet
Minimum landscape yard	20 feet
Existing trees	15 percent
Fence or wall	Yes, for 266 linear feet
Plant units (80 per 100 linear feet)	434

PROVIDED: Section 4.7, Buffering Incompatible Uses, Bufferyard A, adjacent to a single-family detached residential use

Length of bufferyard	637 linear feet
Minimum building setback	25 feet
Minimum landscape yard	20 feet
Existing trees	15 percent
Fence or wall	Yes, for 266 linear feet
Plant units (80 per 100 linear feet)	463

Justification of Recommendation

The applicant requests AC from Section 4.7, Buffering Incompatible Uses, which requires a minimum 30-foot building setback when a Type B bufferyard is applicable due to the adjacent single-family detached dwelling unit. The proposed building setback is reduced to 25 feet at its narrowest point and gradually increases along the southwestern property line. To maintain an effective buffer, the applicant has exceeded the required number of planting units in this area. In addition, a fence is proposed along the portion of the property line where the building setback is reduced, to further enhance the visual barrier between the developments.

Given that the proposed building addition encroaches only 5 feet into the required setback, the full landscaped yard width is provided, and the required number of plant units is exceeded, in addition to including a fence, the Planning Director finds the proposal to be equally effective as normal compliance with Section 4.7 of the Landscape Manual.

Section 4.9, Sustainable Landscape Requirements

The applicant also requests AC from Section 4.9(c)(5), Sustainable Landscape Requirements, which prohibits trees planted in fulfillment of Landscape Manual requirements from being located on slopes steeper than 3:1. Only one proposed shade tree is to be planted on a steeper slope. The applicant notes that the proposed tree species is not intolerant of sloped conditions and provides a tree planting detail demonstrating how the tree will be planted on the slope to ensure survivability. Given the applicant only proposes one shade tree to be planted on a slope steeper than 3:1 and provides a detail for specialized planting, the Planning Director finds the applicant's proposal equally effective as normal compliance with Section 4.9 of the Landscape Manual. The Planning Director also states that, prior to certification, the applicant shall label the tree that is to be planted on the slope greater than 3:1 on the landscape plan.

Recommendation

The Planning Director recommends approval of AC-25008 from the 2010 *Prince George's County Landscape Manual* for Section 4.7, Buffering Incompatible Uses, and Section 4.9, Sustainable Landscape Requirements, with two conditions, as discussed above, and included in the Recommendation section of this technical staff report.

VI. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE 2024 PRINCE GEORGE'S COUNTY WOODLAND AND WILDLIFE HABITAT CONSERVATION ORDINANCE

This property is subject to the provisions of the 2024 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the application was accepted after June 30, 2024. Pursuant to Section 25-119(a)(2)(C) of the WCO, a TCP2 was submitted for review with this SE since the SE plan will be used for grading and permitting. The minimum woodland conservation threshold for the R-R Zone is 20 percent of the net tract area or 1.53 acres.

During the natural resources inventory (NRI) review, the Maryland Department of Natural Resources Natural Heritage Program provided the applicant with protective measures for aquatic habitats supporting potential rare, threatened, and endangered species. The draft TCP2 is in accordance with recommendations to address SWM runoff through methods such as bioretention, and to minimize clearing and retain forest, as included in the

Environmental Planning section's referral. The applicant proposes clearing 0.03 acre for the installation of a SWM outfall near the northwest corner of the existing care facility building. The total woodland conservation requirement for this project is 1.56 acres, which is proposed to be met and exceed with the preservation of all remaining 2.01 acres of woodland outside of the floodplain.

Per Section 25-121(c)(1)(C) of the WCO, after meeting all other requirements, all remaining unforested riparian buffers on-site shall be afforested and reforested or provide a statement of justification (SOJ) justifying the reasons for not meeting this requirement. The applicant has submitted an SOJ for not reforesting a total of 0.2 acre of unforested stream buffer, and staff is in agreement that the areas of unforested stream buffer are not suitable for the establishment of new planting material, as these areas have existing utilities and SWM facilities. An existing SWM facility was constructed with TCPII-098-96. This feature is shown on the approved SWM plan, and it is proposed to remain. Relocating this existing feature outside of the PMA would require additional impacts to the PMA, to remove the feature, and would result in increased SWM requirements.

Two specimen trees are proposed to be removed with this application. The applicant will be required to either replace the specimen trees with a total of 18 inches of diameter at breast height (DBH) or a fee-in-lieu of \$250.00 per inch of replacement requirement. The specimen tree worksheet proposes a replacement that well exceeds the requirement (a total of 124 trees) and appears to be a typographical error. All specimen tree mitigation planting must be separate from any other planting requirements, such as for Landscape Manual requirements. At the time of certification, the TCP2 shall be revised to identify the locations of proposed specimen tree replacement planting, per the Section 25-119(d)(7)(A) tree removal worksheet.

Specimen Tree Variance Request

The required findings of Section 25-119(d) of the WCO have been adequately addressed for the removal of two specimen trees, identified as T2 and T18 on the TCP2. Staff recommend approval of the requested variance for the removal of two specimen trees for the construction and addition to an existing nursing and care facility with associated site improvements, as shown on TCP2-007-2025.

Specimen trees are required to be protected under Section 24-4301 of the Environmental Standards of the Subdivision Regulations.

Section 25-122(b)(1)(G) of the WCO requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual." The code, however, is not inflexible.

The authorizing legislation of the Prince George's County's 2024 WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in the WCO are set forth in

Section 25-119(d), which clarifies that variances granted under Subtitle 25 are not considered zoning variances.

If, after careful consideration has been given to the preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25 (the WCO), provided all of the required findings in Section 25-119(d) can be met. An application for a variance must be accompanied by an SOJ stating the reasons for the request and how the request meets each of the required findings. A Subtitle 25 variance application and an SOJ in support of the variance were submitted with this application. This variance requests the removal of specimen trees T2 and T18. Pursuant to Section 25-119(d)(7) of the WCO, the removal of specimen trees is subject to replacement requirements, if the variance is approved.

It is noted that specimen tree T19 is a willow oak which is a species with medium- to good-tolerance and is proposed to have 19.5 percent critical root zone impact. Specimen Tree T19 is proposed to be retained and is not requested for removal. An additional tree, T17, was surveyed and listed on the specimen tree table, due to its double trunk; however, post field work analysis concluded that this tree is less than 30 inches in DBH and does not meet the qualification of a specimen tree and is not evaluated here.

Section 25-119(d) contains six required findings [text in **bold** below] to be made before a variance from the WCO can be granted. An evaluation of this variance request with respect to the required findings is provided below in plain text.

(A) Special conditions peculiar to the property have caused the unwarranted hardship

To meet this finding, the applicant must demonstrate that special conditions exist at the property and, based on those conditions, without a variance, the applicant would be denied a use of the property that is both significant and reasonable.

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain the specimen trees. Those special conditions relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The SOJ indicates that the expansion of the existing facility is limited due to the location of steep slopes and REF in the rear of the property, leaving limited areas for additional development at the front of the site when considering requirements for parking and SWM. Due to the limited developable space, two specimen trees, T2 and T18, are proposed to be removed due to impacts to their critical root zone exceeding 30 percent. Alternative designs such as expansion of development in the rear property would also require removal of specimen trees and additional impacts to REF. Under this proposal, the majority of the specimen trees are retained in the rear of the lot and are proposed to be included in areas of woodland preservation. If the site were to be majorly reconstructed, it would

constitute a hardship, as it would require the relocation of existing residents in the existing assisted living facility. To save specimen trees T2 and T18 and limit the impacts to the critical root zones would cause the applicant an unwarranted hardship.

Specimen Tree T2 is an American sycamore which is a species with medium construction tolerance and is proposed to have 46 percent of critical root zone impact. Specimen Tree T2 is located along the eastern property boundary of the site and is already impacted due to an existing driveway. This existing access point is required to be widened due to fire access regulations for access of emergency vehicles. This access point was requested to be relocated south from its current location, to comply with the buffering requirements of the Landscape Manual, which requires screening for incompatible uses adjacent to residential areas. Due to these requirements, the driveway improvements will require the removal of Specimen Tree T2. The widened and relocated access is a significant and reasonable use that cannot be achieved elsewhere on the property. In particular, the widened and relocated access is a significant and reasonable use in that it is needed to allow for emergency vehicle access to the property and is being relocated to achieve compatibility with the adjacent residential development as required by the Landscape Manual. As discussed, the access cannot be located elsewhere both due to the Landscape Manual requirements and the special conditions identified above.

Specimen Tree T18 is a silver maple species with poor construction tolerance that is limited by physical injury and root zone impacts and is proposed to have 80 percent of critical root zone impact. The tree is located along the site's frontage away from REF in the preferred area of development and is proposed to be impacted by the building addition and associate parking. The building addition is a use of the property, which is significant and reasonable and cannot be achieved without the removal of T18. In particular, the building addition is a significant and reasonable use in that it is allowed by the property's R-R zoning, is compatible with surrounding development, and will contribute to the diversity of housing types, as envisioned by the master plan. As discussed above, the building addition must be located at the front of the site where T18 is located due to the presence of steep slopes and REF to the rear of the existing building.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical root zone, would deprive the applicant of rights commonly enjoyed by others in similar areas with comparable zoning. Not granting the variance would prevent the project from being developed in a functional and efficient manner like other developments of similar size and use. In general, additions to development, without major reconstruction, are generally allowed where permitted by the applicable zoning and other requirements. Development is also generally required to provide suitable access. As demonstrated in Finding A above,

enforcement of the specimen tree requirements would not allow the applicant to construct an addition without significant reconstruction, and would not allow suitable access.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants

Granting the variance will not confer a special privilege that would be denied to other applicants. When other properties contained specimen trees of this species in a similar condition and location on a site, the same considerations were provided during the review of the required variance application.

All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of the WCO, as codified in Subtitle 25 and in the ETM for site specific conditions. Specimen trees grow to such a large size because they have been left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site.

When other development proposals encounter trees in a similar condition and in a similar location on a site, the same considerations were provided during the review of the required variance application.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The request to remove the trees is solely based on the location on-site, the species, and the condition of the trees.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property

There are no existing conditions on the neighboring properties or existing building uses that have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size under natural conditions and have not been impacted by any neighboring land or building uses.

(F) Granting of the variance will not adversely affect water quality

Granting this variance request will not violate State water quality standards nor cause measurable degradation in water quality. Requirements regarding SWM will be reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by the Prince George's County Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met in conformance with State and local laws to ensure that the quality of water leaving the site meets the State's standards. State standards are set to ensure that no degradation occurs.

VII. COMPLIANCE WITH APPLICABLE PROVISIONS OF THE PRINCE GEORGE'S COUNTY TREE CANOPY COVERAGE ORDINANCE

Prince George's County Council Bill CB-21-2024 for the Tree Canopy Coverage Ordinance became effective July 1, 2024. Subsequently, Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 2,500 square feet of gross floor area, or disturbance, and requires a grading permit. The subject site is located within the RR Zone. The Tree Canopy Coverage Ordinance is not subject to the current Zoning Ordinance grandfathering provisions and does not contain any grandfathering provision for using the prior zoning, except for specified legacy zones or developments that had a previously approved landscape plan demonstrating conformance to tree canopy coverage (TCC). Therefore, this application was reviewed for conformance with the TCC requirement for the current property zone which is RR.

Staff find that the proposed project is in conformance with the applicable provisions of the Prince George's County Tree Canopy Coverage Ordinance for the RR Zone, which is subject to a minimum tree canopy coverage of 20 percent, per requirements set forth in Section 25-128 of the Tree Canopy Coverage Ordinance. The project proposes 2.01 acres of TCC on the site, exceeding the required acreage of TCC required.

VIII. REFERRAL COMMENTS

The subject application was referred to the concerned agencies and divisions. The referral comments are incorporated herein by reference, and major findings are summarized as follows:

- a. **Community Planning**—In a memorandum dated March 31, 2025 (Parks to King), the Community Planning Division found that, pursuant to Section 27-317(a)(3) of the prior Zoning Ordinance, this SE application will not impair the integrity of the master plan.
- b. **Transportation Planning**—In a memorandum dated May 7, 2025 (Patrick to King), the Transportation Planning Section determined that the proposed plan is acceptable, subject to two recommendations which have been added to the Recommendation section of this technical staff report.
- c. **Environmental Planning**—In a memorandum dated April 4, 2025 (Meoli to King), the Environmental Planning Section provided an analysis of the subject application and recommended approval subject to three conditions, which have been included in the Recommendation section of this report.
- d. **Subdivision**—The subject property is comprised of Lots 1 and 2 of Malin Subdivision, recorded in Plat Book NLP 123 Plat No. 90, approved by the Planning Board on June 13, 1985. Lots 1 and 2 were platted pursuant to PPS 4-84115, approved by the Planning Board on September 6, 1984. The PPS included analysis of a single-family detached dwelling to remain on Lot 1, and expansion of a nursing or care home on Lot 2, in accordance with SE-3505. Parcels 23, 24 and 180 have no prior subdivision approvals.

Development exceeding that approved under 4-84115 and new development exceeding 5,000 square feet of gross floor area on properties having no subdivision approval is proposed with this application. The applicant will be required to obtain PPS and final plat approval, prior to the approval of permits for the development proposed in this application. PPS 4-24013 has been filed and is currently pending a hearing before the Planning Board. It is noted that the approval of a PPS may require additional improvements for the site, which may necessitate revisions to the proposed SE site plan.

- e. **Historic Preservation**—In a memorandum dated April 21, 2025 (Stabler, Chisholm, Smith to King), the Historic Preservation Section discussed the neighboring Gallant House historic site, stating that the landscape buffers delineated in the site plan as well as the applicant's lighting plan would sufficiently mitigate visual impacts to the historic site.
- f. **Permit Review**—In a memorandum dated April 4, 2025 (Greenwell to King), the Permit Review Section provided four comments on the application pertaining to dimensions shown on the site plan. These comments have been satisfied on the submitted plans, as of the time of the writing of this technical staff report.
- g. **Prince George's County Fire/EMS Department**—In a memorandum dated March 17, 2025 (Reilly to King), the Prince George's County Fire and EMS Department provided one condition of approval for the application, pertaining to drive aisle width. This condition has been included in the Recommendation section of this report.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated April 5, 2025 (Guzman to King), DPIE offered no objections to the application.
- i. **Washington Suburban Sanitary Commission (WSSC)**—As of the writing of this technical staff report, WSSC did not offer any comments on this subject application.

IX. COMMUNITY FEEDBACK

As of the writing of this technical staff report, no correspondence has been received from the surrounding community.

X. RECOMMENDATION

Based on the applicant's SOJ, the analysis contained in the technical staff report, associated referrals, and materials in the record, the applicant has demonstrated conformance with the required SE findings, as set forth in the prior Prince George's County Zoning Ordinance. Staff find that the proposed application satisfies the requirements for approval, and that the application will be in conformance with the prior Zoning Ordinance requirements.

Therefore, staff recommend APPROVAL of Special Exception SE-24003, a Variance from Section 25-122(b)(1)(G), Alternative Compliance AC-25008, and Type 2 Tree Conservation Plan TCP2-007-2025, for Hillhaven, subject to the following conditions:

1. Prior to certification of the special exception site plan, the following revisions shall be made, or information shall be provided:
 - a. Label the square footage of each area of right-of-way dedication on the plan.
 - b. Edit the site plan to provide entrance drive aisles with at least 22 feet of clear width, in accordance with Section 11-276 of the Prince George's County Code.
 - c. Provide a sufficient number of shade trees to satisfy Section 4.2 of the 2010 *Prince George's County Landscape Manual*, and demonstrate this conformance on the landscape plan.
 - d. Provide a certificate of landscape maintenance for parking lot plantings, in accordance with previous landscape plan approvals for the site. All existing trees shall be shown on the current landscape plan, and any missing trees shall be shown to be replaced.
 - e. Remove notes of plans requesting alternative compliance for Section 4.7 for Bufferyard D from the landscape plan.
 - f. Label the tree on the plans that will be planted on the slope greater than 3:1.
 - g. Show the location and detail of all fences on the landscape plan. Label the height of all required fences in the bufferyard.
 - h. Revise the Type 2 tree conservation plan to identify the location of proposed specimen tree replacement planting, per the Section 25-119(d)(7)(A) Tree Removal Worksheet.
2. In accordance with Section 25-122(d) of the 2024 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance, prior to certification of the Type 2 tree conservation plan (TCP2) for this site, the applicant shall prepare documents for the required woodland conservation easements and submit them to the Environmental Planning Section for review by the Office of Law, and submission to the Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan as follows:

"Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George's County Land Records at Liber ____ Folio ____. Revisions to this TCP2 may require a revision to the recorded easement."
3. Prior to certification of the Type 2 tree conservation plan (TCP2), the applicant shall submit a copy of the draft erosion and sediment control technical plan, so that the ultimate limits of disturbance for the project can be verified and shown on the TCP2.