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Revision of Site Plan (Limited Minor Change)

ROSP SE-4084/05

Application	General Data
Project Name: Victory Housing (Carroll Manor) Location: West side of 19 th Ave. at its intersection with Chillum Road, known as 4901 Eastern Avenue. Applicant/Address: Victory Housing Inc. 5430 Grosvenor Lane, Suite 210 Bethesda, Maryland 20814-2142	Date Accepted: 3/31/05
	Planning Board Action Limit: N/A
	Plan Acreage: 30.4
	Zone: O-S
	Dwelling Units: NA
	Square Footage: 300
	Planning Area: 68
	Tier: Developing
	Council District: 02
	Municipality: N/A
	200-Scale Base Map: 206NE02

Purpose of Application	Notice Dates
Installation of an emergency power generator	Adjoining Property Owners Previous Parties of Record Registered Associations: N/A (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: N/A

Staff Recommendation		Staff Reviewer: Laxmi Srinivas	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
X			

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

April 19, 2005

Limited Departures and Revisions to Approved Plans

Application No: ROSP SE 4084/05
Project Name: Victory Housing (Carroll Manor)
Reviewer's Name: Laxmi Srinivas, Senior Planner

- A. **Nature of the Applicant's Request:** This minor revision is for the addition of an emergency power generator for the Carroll Manor Congregate Housing. A 64-square-foot transformer pad for the generator and a six-foot-high fence to enclose the pad are proposed along the eastern property line. The proposed transformer pad and fence will occupy less than 300 square feet of area and will be set back more than 25 feet from the eastern property line. The existing PEPCO transformer pad and fence adjacent to the proposed transformer pad and fence will remain. A portion of the existing fence in between the two transformer pads will be removed. The applicant is proposing an evergreen buffer along the eastern property line to screen the proposed generator from La Salle Road. The proposed emergency generator is required for providing emergency electricity, security systems, refrigerators, telephones, computers, HVAC equipment, etc., for the above assisted living facility.

Zoning History: A special exception was approved by the District Council for the Carroll Manor Congregate Housing on April 12, 1993. The following major revisions to the Special Exception were approved:

ROSP SE 4084/01—by the District Council on January 13, 1997
ROSP SE 4084/02—by the District Council on September 18, 1997
ROSP SE 4084/03—by the Zoning Hearing Examiner on January 6, 2000
ROSP SE 4084/04—by the District Council on February 24, 2003.

- B. **Required Findings:**

Section 27-325 (c). Limited Minor Changes—Planning Director

- (1) The Planning Director is authorized to approve minor changes administratively, without public hearing, only if the proposed minor changes are limited in scope and nature, including an increase in gross floor area or land covered by a structure other than a building up to ten percent. The Director shall deny any administrative approval request proposing site plan changes that will have a significant impact on adjacent property.

- (2) Before approving a minor change, the Director shall make all findings the Planning Board would be required to make, if it reviewed the application.
- (3) The Director is not authorized to waive requirements in this Subtitle, grant variances, or modify conditions, considerations, or other requirements imposed by the Planning Board or District Council in any case.
- (4) The applicant's property shall be posted within ten days of the Director's acceptance of the filing of the application. Posting shall be in accordance with Part 3, Division 1. On and after the first day of posting, the application may not be amended.
- (5) The Director may waive posting after determining, in writing that the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property.
- (6) If posting is waived or a written request for public hearing is not submitted within the posted time period, then the Director may act on the application. The Director's approval concludes all proceedings.
- (7) If the Director denies the application or a timely hearing request is submitted, then the application shall be treated as refiled on the date of that event. The applicant, Director, and technical staff shall then follow the procedures for Planning Board review.

Sec. 27-374. Medical/residential campus.

- (a) A medical/residential campus for retirement-age 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 resident of each household shall be at least 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 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) 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) 50 feet from all other adjoining property lines (except street lines); and
 - (iii) 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 40 percent 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 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 meet the following criteria:
 - (i) Transportation facilities (including streets and public transit) that are existing, are under construction, or for which 100 percent of the construction funds are allocated within the adopted county Capital Improvement Program, or 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 that would lower the level of service anticipated by the land use and circulation systems shown on the approved General Plan, area master plans, or urban renewal plans;
 - (ii) Other existing or planned private and public facilities that are existing, under construction, or for which construction funds are contained in the first six 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 years, public facilities (existing or scheduled for construction within the first six years) will be adequate to serve the development proposed to occur within the first six 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 that appear on an approved site plan shall be permitted on the medical/residential campus. The District Council may only approve those uses that 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 that are strictly related and subordinate to the residential/medical character of the campus and that 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.

(5) **Addition of land**

- (A) After the approval of a special exception, any addition of land to the campus shall be the subject of a new special exception application. The site plan accompanying the new application shall include the required information for both the previously approved campus and the proposed additional land. The approval of the new site plan shall nullify the previously approved site plan. The additional land shall be contiguous to an approved medical/residential campus, and may be less than 25 acres.

(6) **Amendment of site plan**

- (A) Notwithstanding other provisions of this Subtitle concerning the revision of site plans, requests to amend a site plan for a medical/residential campus shall only be approved by the District Council, and in accordance with this paragraph.
- (B) Requests to amend the approved site plan shall be filed concurrently with the Clerk of the Council and the Office of the Planning Board. After receipt of the request by the Clerk, the Office of the Zoning Hearing Examiner shall schedule a public hearing, which shall occur not less than 60, nor more than 120, days after receipt of the request. The request shall be reviewed by the technical staff, taking into consideration the requirements of this Subtitle. The technical staff shall submit its recommendations to the Zoning Hearing Examiner within 60 calendar days from the date of filing. The public hearing shall be conducted by the Zoning Hearing Examiner, in accordance with Section 27-129, at which time the applicant, Planning Board, technical staff, and members of the public may comment on the proposed amendments. The property shall be posted with a sign in the same manner as required for original applications. After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council. Any person of record may appeal the recommendation of the Zoning Hearing Examiner within 15 days of the filing of the Zoning Hearing Examiner's recommendation with the District Council. If appealed, all persons of record may testify before the District Council. Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be limited 30 minutes for each side, and to the record of the hearing.
- (C) All amendments shall be in conformance with the purposes, regulations, and standards of this Section.

- (i) The approved amended site plan shall become the official site plan, as if it had been approved as a part of the original application for a Special Exception.

Sec. 27-397. Public utility use or structure

- (a) A public utility use or structure may be permitted, subject to the following:
 - (1) The use, at the location selected, is necessary for public convenience and service, and cannot be supplied with equal public convenience if located elsewhere;
 - (2) Public utility buildings and structures in any Residential Zone, or on land proposed to be used for residential purposes, in a Planned Community Zone shall (whenever feasible) have the exterior appearance of residential buildings;
 - (3) Overhead lines, poles, radio or television transmitter towers, and other towers shall not be located in airport approach areas; and
 - (4) In Residential Zones, or on 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, telephone, radio, or television transmission towers shall be set back (from the boundary line of the special exception) a distance equal to its height (measured from its base) plus 50 feet.

Sec. 27-317. Special Exceptions—General Requirements

- (a) A special exception may be approved if:
 - (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 tree conservation plan.

C. Determinations:

The subject property is a 30.5-acre parcel located on the west side of 19th Avenue at its intersection with Chillum Road, known as 4901 Eastern Avenue. It is surrounded by the following uses:

North—Multifamily residential use in the R-18 Zone and Institutional Use in the R-55 Zone.

East—19th Avenue and La Salle Road and single-family residential uses in the R-55 Zone across from 19th Avenue and La Salle Road.

South—Park in the O-S Zone.

West—Vacant Lot in the R I B Zone in the District of Columbia.

1. The posting requirement for this minor revision was waived because the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property.
2. The subject property has frontage on 19th Avenue and La Salle Road and has vehicular access from La Salle Road. La Salle Road has sufficient capacity to accommodate the type and amount of traffic expected to be generated by the use.
3. The existing medical congregate housing facility will serve the surrounding communities as previously determined by the District Council.
4. The existing use of the property as a medical congregate housing facility will not be altered by the subject proposal. The proposal will enhance the existing use by providing a generator for the emergency requirements of the facility.
5. The proposal will not alter any of the previous conditions of approval for Special Exception SE-4084.
6. The proposed revision meets the criteria for a limited minor change approvable by the Planning Director because it is less than one percent of the existing floor area. The proposed changes are minor in scope and nature and will have no appreciable effect on adjacent properties.
7. The proposed revision conforms to the requirements of the Zoning Ordinance and the conditions of approval of the original special exception. The proposed generator will be sufficiently screened from La Salle Road by the proposed landscaping.
8. The proposed revision does not alter the previous findings of the District Council with regard to the nature and scope of the operation and the type and amount of traffic to be generated.
9. The proposed revisions will not alter the previous findings of compatibility with the surrounding area, conformance with the regulations of the Zoning Ordinance, or impairment of the 1994 Master Plan for Planning Area 68.

D. Recommendation:

Based on the above findings, it is recommended that ROSP SE-4084/05 be APPROVED.

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APPROVED BY AUTHORITY OF:
Fern V. Piret, Planning Director

By:_____ **Date:**_____

Jimi Jones, Acting Zoning Supervisor