

January 19, 2000

**TECHNICAL STAFF REPORT:**

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

VIA: Arie Stouten, Zoning Supervisor

FROM: Elsabett Tesfaye, Senior Planner

SUBJECT: **Special Exception Application No. 4332**  
**Departure from Parking and Loading Standards Application No. 256**  
**Departure from the Design Standards Application No. 508**  
**Alternative Compliance Application No. 99039**

REQUEST: **Congregate Living Facility**  
**Reduction in the required number of parking spaces (DPLS- 256)**  
**Waiver of Driveway Width and Street Connection Width requirements (DDS-508)**  
**Approval of Alternative Compliance for Landscaping (AC-99039)**

RECOMMENDATION:

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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 301-952-3280.

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## FINDINGS:

- A. Location and Field Inspection: The site is located on the west side of Harwood Road, between Harwood Court and Roslyn Avenue. It comprises approximately 7,573 square feet of land and is improved with a one-story building that was originally constructed as a single-family dwelling. The site has approximately 65 feet of frontage on Harwood Road.
- B. History: The property was retained in the R-55 Zone in the approved 1986 Sectional Map Amendment for Suitland-District Heights and Vicinity.
- C. Master Plan Recommendation: The 1985 Approved Master Plan for Suitland-District Heights and Vicinity recommends the site for medium-suburban density of 3.6 to 5.7 dwelling units per acre with R-55 zoning.
- D. Request: The applicant proposes to increase the number of residents in an existing congregate living facility from 8 to 12 residents. No change to the structure is proposed. In addition, the applicant is requesting a departure to allow two fewer parking spaces than required (DPLS 256). The applicant is also requesting a departure from design standards to reduce the minimum width requirements for a driveway from 11 feet to 9.5 feet (DDS-508).
- E. Neighborhood and Surrounding Uses: The neighborhood is generally defined by Walker Mill Road to the north and northwest, Marlboro Pike to the west and southwest, Ritchie Road to the south and east. The immediate neighborhood is predominantly single-family residential with R-55, R-80 and a small pocket of R-R Zones. The subject property abuts five R-55 zoned residential properties to the north, west and south. Several single-family detached houses are located across Harwood Road west of the property, in the R-55 Zone.
- F. Specific Special Exception Requirements: **Pursuant to Section 27-344, a congregate living facility for more than eight (8) elderly or physically handicapped residents, as defined by Section 12-168(a) of this Code, may be permitted, subject to the following:**

**(1) There is a demonstrated need for the facility.**

Citing a document (Applicant's Exhibit A) published by Maryland Office of Planning, Planning Data Services, the applicant stated that the age 65 and over population group is projected to increase by 32 percent to 65,946 in the year 2000 and to increase an additional 42 percent to 93,583 in the year 2010. The applicant maintains that as the population in the County continues to live longer and in greater numbers the demand for facilities providing services for seniors has also shown a significant increase. There are currently 81 senior residential facilities in Prince Georges County, including Congregate Living Facilities and Senior Assisted Housing Facilities (Applicant's Exhibit B)

The applicant indicated that three of the 81 facilities, including the subject facility are located within the District Heights/Forestville area. The two facilities, the Clagatte House

and Our House, each has a maximum capacity of four residents and there is a waiting list of elderly residents who wish to reside at the subject facility that is currently operating at its maximum capacity with eight residents. The applicant believes that the existing facilities in the area can not adequately satisfy the demand in the immediate area.

- (2) **The facility is in compliance with the physical requirements of Subtitle 12, Division 7, of this Code, and shall be operated in accordance with the licensing and other requirements of that Subtitle.**
- (3) **There shall be a separate bedroom of a minimum of one hundred (100) square feet for each resident, or a separate bedroom of a minimum of one hundred and sixty (160) square feet for every two residents, or any combination of the above, so as to satisfy the accommodations requirements of the ■Regulations for Congregate Living Facilities• (required by Section 12-173(d) of this Code), for the maximum number of permitted residents.**

The applicant's statement of justification indicates that the facility will meet all of the applicable requirements of State and County Ordinances, the requirements of Subtitle 12, Division 7, of this Code, and that it will be operated in accordance with the licensing and other requirements of that Subtitle. A 1,080-square-foot addition to the facility was constructed in 1996. The proposed increase in the number of residents will utilize this space.

The applicant indicated that the facility has sufficient square footage to accommodate the requested population increase to 12 residents. The issue of safety, security and adequacy of internal building space will be addressed as part of the licensing process.

G. **Parking Regulations: Section 27-568 of the Zoning Ordinance requires one parking space for every four residents of a congregate living facility.**

The subject congregate living facility will have 12 residents. A total of three spaces are required (12)4=3 spaces); Only one space is provided. A departure is required and sought (DPLS- 256) for the two spaces that are not provided.

**Pursuant to Section 27-563, every parking lot shall be connected to street by means of a driveway. This driveway shall be at least 11 feet wide for each lane, exclusive of curb return and gutters.**

A 9.5-foot-wide existing access is located on the northeastern corner of the property. The one parking space provided is directly accessed from the street. A car entering the parking space would have to back onto the street to leave the property. The proposal needs a departure from the 11-foot minimum width requirement for a driveway connection to the street. A departure of 1.5 feet is requested (DDS-508).

- H. **Loading Requirements:** **Section 27-582 of the Zoning Ordinance requires one loading space for every 10,000 square feet of gross floor area (G.F.A)**

Since the proposed facility is less than 10, 000 square feet of gross floor area, no loading space is required.

- I. **Landscape Manual Requirements:** The proposal is subject to the landscaping, buffering and screening requirements of the *Landscape Manual* through the approval of a landscape plan.

The applicant applied for Alternative Compliance in conjunction with this application. On December 20, 1999, the Planning Director recommended APPROVAL for AC-99039 (refer to attachment). The landscape plan submitted with the Alternative Compliance application is different from the plans submitted for the other three applications. Therefore, these plans (SE-4332, DPLS-256 and DDS-508) must be revised in accordance with the site/landscape plans submitted with the Alternative Compliance application.

- J. **Zone Standards:** The site plan conforms to all other development standards of the R-55 Zone.

- K. **Sign Regulations:** No sign is shown on the site plan. Any freestanding sign that will be placed on the property must be delineated on the approved site plan, and it must meet all area, height and setback requirements.

- L. **Other Issues:** The special exception site plan must show the total square footage of the existing facility. In addition, the name of the street shall be corrected on the site plan to read ■HARWOOD ROAD. The parking schedule shall be revised to indicate 12 residents, and the rear yard setback shall be dimensioned in accordance with Section 27-107.01(a)(140) of the Zoning Ordinance.

- M. **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.**

The fundamental purposes of the Zoning Ordinance, as found in Section 27-102, are to protect the health, safety and welfare of the public and promote compatible relationships between the various types of land uses. Review of the applicant's site plan indicates no potential conflicts with these fundamental purposes. The applicant's proposal to care for a total of 12 elderly residents, at a time when the number of elderly County residents is increasing, serves the health, safety and welfare aspects of these purposes.

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

With the recommended conditions and approval of the companion applications for Departures and Alternative Compliance, the proposed use conforms to all requirements 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 Master Plan, the General Plan.**

The 1985/86 Approved Master Plan and SMA for Suitland-District Heights and Vicinity retained this property in the R-55 Zone with suburban density development at 3.6 to 5.7 dwelling units per acre. The subject property is located within a residential community, on the west side of Harwood Road and within the incorporated boundaries of the City of District Heights. The proposed increase in the number of residents of the subject congregate living facility will not substantially impair the integrity of the Master 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.**

The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area, and there is no indication that it would be detrimental to the use or development of adjacent properties or the general neighborhood. The use has been in existence at the same location for over five years providing services for a maximum of eight residents. The increase in the number of residents by four will not cause a notable adverse impact on the immediate neighborhood or its residents.

The proposed landscape plan recommended for approval through the Alternative Compliance process will provide screening and buffers to protect the privacy and mitigate potential adverse noise and traffic impacts to the adjacent residential properties. The proposal meets or exceeds all minimum setback requirements, including the requirements for front, rear and side yards. The proposal also meets the lot coverage requirements. A field inspection reveals that there is adequate on-street parking available along Harwood Road to accommodate the need for the two parking spaces that the applicant was not able to provide on the property.

- (6) **The proposed site plan is in conformance with an approved Tree Conservation Plan.**

A Tree Conservation Plan is not required because the property is less than 10,000 square feet in area.

N. Departure from Parking and Loading Standards (DPLS-256):

**Section 27-568 of the Zoning Ordinance requires one parking space for every four residents of a congregate living facility.** The subject congregate living facility will have 12 residents. A total of three spaces are required  $(12)4=3$  spaces); only one van-accessible handicap-space is provided. The applicant is requesting a departure to reduce the required number of parking spaces from three to one.

A. **Section 27-588(b)(8) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:**

1. **The purposes of Section 27-550 will be served by the applicant's request.**

**The purposes of this Part are:**

- (i) **To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses.**
  - (ii) **To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points.**
  - (iii) **To protect the residential character of residential areas.**
  - (iv) **To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**
2. **The departure is the minimum necessary, given the specific circumstances of the request.**
3. **The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949.**
4. **All methods for calculating the number of spaces required have either been used or found to be impractical.**
5. **Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

In response to referral of this application and the related application for a departure from the design standards (DDS 508), Mr. Tom Masog of the Transportation Planning Section, has offered the following comments:

From solely a transportation standpoint , the transportation staff does not find that granting this departure is necessarily at odds with the purposes of the Zoning Ordinance. Staff must also find that the departure is the minimum necessary. The site is very small, and the existing building limits flexibility within the property. It is possible that the requirements could be met if two cars were stacked in the driveway and the front yard were to be paved to add a third parking space. Given the residential character of the neighborhood and the street, paving the front yard is not desirable; also, the driveway between the building and north property is needed to provide a necessary landscape buffering through Alternative Compliance. Therefore , the departure is the minimum necessary. Furthermore, the method used to compute the parking needs on the plan is used correctly.

There is on-street parking in the area of the subject property, and there is parking availability. The applicant does justify the departure on the grounds that Metrobus serves the area. Metrobus does serve the Harwood Road/Kipling Parkway intersection on weekdays, but not on weekends. There is weekend service about one-half mile away.

The application requests a departure from two different parts of the site design standards. As only one parking space is proposed to be provided on the site, the transportation staff sees very limited need to apply Section 27-563 rigorously, and would not oppose the DDS provided the companion SE and DPLS cases were to be approved.

Staff concurs with the conclusions of the Transportation Section. The requested waiver of two spaces is minor and is not likely to adversely impact the residential neighborhood or the area's transportation system. The proposed single off-street parking space and available on-street parking spaces along Harwood Road adequately satisfy the parking needs associated with the subject use. Therefore, the purposes of this subsection will be served by the requested departure.

The requested waiver is necessary to alleviate circumstances unique to the subject use given its nature at this location. The subject property was originally developed as a single-family detached dwelling several years ago and was used as such until it was converted to a congregate living facility in 1993. The proposed departure will maintain and preserve the established pattern and character of the residential neighborhood and street.

**(B) In making its findings, the Planning Board shall give consideration to the following:**

- 1. The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within 500 feet of the subject property.**
- 2. The recommendations of an area master plan, or County or local revitalization plan, regarding the subject property and its general vicinity.**
- 3. The recommendations of a municipality (within which the property lies) regarding the departure.**
- 4. Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.**

**(C) In making its findings, the Planning Board may give consideration to the following:**

- 1. Public transportation available in the area.**
- 2. Any alternative design solutions to off-street facilities which might yield additional spaces.**
- 3. The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within 500 feet of the subject property.**

Both on-street and off-street parking methods are used by adjoining and nearby residential properties. There is no indication of a shortage in public parking accommodations in the area. In addition, Metrobus stops are located within a block and half from the subject facility. There are no public parking facilities proposed for this area.

The 1985 Approved Master Plan for Suitland-District Heights and Vicinity recommends the subject property for medium-suburban density development at 3.6 to 5.7 dwelling units per acre. The subsequent Sectional Map Amendment retained the property's R-55 zoning. A congregate living facility for more than eight elderly and physically handicapped residents is permitted as a special exception in the R-55 Zone. The subject use is consistent with the Plan's recommendations and will not impair the integrity of the Master Plan.

The subject property is within the boundaries of the City of District Heights. The applicant has submitted a letter from the City (Applicant's Exhibit C) that supports the proposal.



O. Departure from Design Standards (DDS 508):

(a) **Section 27-239.01(b)(9) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:**

- 1. The purposes of this Subtitle will be equally well or better served by the applicant's proposal.**
- 2. The departure is the minimum necessary, given the specific circumstances of the request.**
- 3. The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949.**
- 4. The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.**

The purposes of the Zoning Ordinance will be equally well or better served by the applicant's proposal. The slightly reduced width of the driveway is a condition that existed since the original development of the property as a single-family dwelling. The existing 9.5-foot-wide driveway is 1.5-foot narrower than the required minimum width of 11 feet. The driveway also serves as the only on-site parking space. In order to make the single parking space van-accessible, a five-foot-wide paving has been added to a portion of the existing driveway.

While the zoning requirement can be met by further widening of the existing driveway, such a measure would result in inconsistency with the existing character and development pattern of the immediate residential neighborhood. The reduced width in this case is minimal and therefore, its impact on vehicular circulation is negligible. The departure is the minimum necessary, given the specific circumstances of the request.

The departure is necessary to alleviate circumstances which are unique to the site. The subject property was originally developed as a single-family detached dwelling several years ago and was used as such until it was converted to a congregate living facility in 1993. The requested departure will not result in further decreasing the existing driveway width. Rather, will contribute to maintaining the development pattern and character of the historic neighborhood. The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood. As noted in the Planning Director's recommendation for approval of Alternative Compliance, the proposed landscape plan will be equally effective as normal requirements.

## CONCLUSION:

Based on the preceding analysis and findings, it is recommended that SE-4332, DDS-508 and DPLS 256 be APPROVED, subject to the following conditions:

1. The special exception site/landscape plan shall be revised in accordance with the landscape plan for Alternative Compliance No. 99039. The plan shall also include notations to reflect approvals of DDS-508, DPLS-256 and AC-99039.
2. The special exception site plan shall show the total square footage of the existing facility. In addition, the name of the street shall be corrected on the site plan to read ■HARWOOD ROAD.● The parking scheduled shall be revised to indicate 12 residents, and the rear yard setback shall be dimensioned in accordance with Section 27-107.01(a)(14o) of the Zoning Ordinance
3. Prior to the issuance of permits, the applicant shall submit documentary evidence of compliance with the licensing and other applicable requirements of Subtitle 12.
4. The site/landscape plans in the records of DDS-508 and DPLS-256 shall be consistent with the approved special exception site/landscape plan.

It is also recommended that Alternative Compliance No. 99039 be approved as recommended by the Planning Director on December 20, 1999.