

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



## SPECIAL EXCEPTION APPLICATION NO. 4371

Application	General Data
<b>Project Name:</b> Sheey Property Senior Housing  <b>Location</b> East side of St. Barnabas Road, Approximately 150' north of Bedford Way.  <b>Applicant/Address</b> Peter V Jensen Jensen Commercial Real Estate, Inc. P.O. Box 1064 College Park MD 20741-4411  <b>Correspondent</b> Russell W. Shipley, Esquire. 1101 Mercantile Lane, Suite 240 Largo, MD 20774	Date Accepted 12/1/99
	Planning Board Action Limit N/A
	ZHE Hearing Date Not Scheduled
	Plan Acreage 4.7247 Acres
	Zone C-S-C
	Dwelling Units 137
	Square Footage
	Planning Area 76A
	Council District 7
	Municipality N/A
	200-Scale Base Map 205SE4L

Purpose of Application	Notice Dates
Apartment Housing For Elderly Or Physically Handicapped Families.	Adjoining Property Owners (CB-15-1998) 12/3/99
	Previous Parties of Record (CB-13-1997) N/A
	Sign(s) Posted on Site N/A
	Variance(s): Adjoining Property Owners N/A

Staff Recommendation			Staff Reviewer: Elsabett Tesfaye
APPROVAL	APPROVAL WITH	DISAPPROVAL	DISCUSSION

	CONDITIONS		
	X		

May 2, 2001

**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. 4371**

REQUEST: **Apartment Housing for the Elderly**

RECOMMENDATION: **APPROVAL with conditions**

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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 301-952-3530.

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## FINDINGS:

- A. Location and Field Inspection: The property is located on the east side of Saint Barnabas Road, approximately 1,300 feet south of its intersection with Silver Hill Road and 150 feet north of its intersection with Bedford Way. It is irregularly shaped and comprises approximately 4.72 acres of land. The property is currently unimproved. Nearly the entire site is wooded with a small clearing in the center. The property slopes down from northeast to southeast. It is located in the Henson Creek watershed. A fork stream with associated 100-year floodplain occurs along the eastern edges of the property. The fork stream is a tributary to Henson Creek and provides a greenway connection to Henson Creek Stream Valley Park. The property has approximately 481 feet of frontage on Saint Barnabas Road (MD 414).
- B. History: The property was zoned R-R in 1949, as part of the original Comprehensive Zoning. It was rezoned to R-18 (ZMA A-6165) in 1966. The zoning of the property again changed to C-C (A-8607) in 1973. The 1984 Sectional Map Amendment for Subregion VII rezoned the property to the C-O Zone. On January 12, 1987, the District Council reclassified the site to the C-S-C Zone via Zoning Amendment A-9600. A Special Exception (No. 3938) was approved in 1990 for a vehicle sales lot. The 2000 Sectional Map Amendment for The Heights and Vicinity retained the property's C-S-C zoning.
- C. Master Plan Recommendation: The 2000 approved Master Plan for The Heights and Vicinity recommends retail-commercial use for the subject property.
- D. Request: The applicant proposes to construct a 46-foot-high, 137-unit apartment housing for the elderly and physically handicapped. The proposal also includes the construction of 95 parking spaces and a stormwater management pond.
- E. Neighborhood and Surrounding Uses: The neighborhood is generally defined by the following boundaries:

North: Silver Hill Road (MD 458)

East: Suitland Parkway

South: Henson Creek Stream Valley Park

West: Branch Avenue (MD 5)

These boundaries are consistent with the boundaries defined by the applicant and Neighborhood S-2, as defined by the Master Plan for Subregion VII

The immediate neighborhood is characterized by a mixture of residential developments, including garden apartments, condominium development, townhouses and single-family detached dwellings, as well as commercial uses including service, retail and office uses. The area also contains unimproved parcels of land. The subject property is surrounded by the following uses:

North: Automotive repair service in the C-M Zone

East: Garden apartments in the R-18 Zone

Southeast: Townhouses and undeveloped land in the R-30C Zone

South: Single-family detached dwellings within the R-30C Zone

Southwest: Undeveloped land within the R-30C Zone

West: Across Saint Barnabas Road, garden apartments (Marlow Towers Condominiums) in the R-10 Zone

F. **Specific Special Exception Requirements: Pursuant to Section 27-337(b), apartment housing and related facilities for elderly or physically handicapped families may be permitted within a building other than a surplus public school building, subject to the following:**

- (1) **The owner of the property shall record among the Land Records of Prince George's County a Declaration of Covenants which establishes that the premises will be solely occupied by elderly or handicapped families for a fixed term of not less than 20 years. The covenants shall run to the benefit of the Maryland-National Capital Park and Planning Commission;**

The applicant's statement of justification indicates that covenants will be recorded in accordance with this requirement.

- (3) **In the C-S-C Zone, the following shall apply:**

- (1) The subject property shall contain at least two (2) contiguous acres, and shall not contain more than forty-eight (48) dwelling units per acre of net lot area. The density may be increased by one (1) unit per acre for each one thousand (1,000) square feet of indoor space available for common use by the residents for social, recreational, or educational purposes. The indoor space shall be shown on the site plan;

The subject property comprises 4.72 contiguous acres, exceeding the maximum requirement. The proposed site plan shows a 137-unit, 46-foot-tall apartment building on 4.49 acres of land (4.72 ac. less .23 ac [floodplain]) with a density of 30.51 dwelling units per acre. The proposal does not delineate indoor space for common use for social, recreational or educational purposes. There is no indication that the building contains amenities such as activity room, exercise room, party room, beauty and barber shop, reading room, etc.

Drawings and detail descriptions of the internal layout of the proposed building should be provided. Information should be submitted into the record pertaining to the proposed building's internal design features to

show that all the necessary elements are embodied in the building to ensure the comfort, safety and security of its future occupants.

Due to the nature of the development, a provision of architectural drawings showing elevations of the proposed building would be appropriate. Furthermore, the site plan in the record reflects a number of minor inconsistencies. Calculations and resulting figures contained in the drawing and in the general notes must be reflected accurately and consistently.

- (2) Not less than fifty percent (50%) of the net lot area shall be devoted to green area; and

The proposal meets this requirement. The site plan indicates that 59.4 percent of the net lot area is devoted to green area.

- (3) The District Council shall find that existing development and uses in the neighborhood (particularly on adjacent properties) will not adversely affect the proposed development;

Given the zoning pattern in the immediate area which allows for a mixture of uses, including residential developments of various intensity and various types of commercial uses, the proposed development of the site will not be inconsistent with existing or future developments in the area. With the exception of the automotive repair service which is located on the adjoining property to the north in the C-M Zone, the subject property is surrounded by residential uses including single-family, garden apartments and townhouses. These uses are not likely to adversely affect the proposed use. With respect to the auto repair use to the north, any potential impact to the proposed use is substantially minimized by natural and man-made barriers on the subject property, in the form of topography, landscaping and building setbacks.

**Section 27-337(c) specifies:**

**For the purposes of this section, the term "elderly or physically handicapped family" means a family in which the head of the family, or his dependent, is at least sixty-two (62) years of age or is physically handicapped. A person shall be considered physically handicapped if he has a physical impairment which:**

- (1) Is expected to be of continued and indefinite duration;**
- (2) Substantially impedes the ability to live independently; and**

**(3) Is of a nature that the ability could be improved by more suitable housing conditions.**

with The statement of justification indicates that the applicant is in complete agreement with this criterion.

**G. Parking Regulations: Section 27-568 of the Zoning Ordinance requires .66 parking space per dwelling unit.**

The proposed senior living facility will have 137 dwelling units. A total of 91 parking spaces are required ( $137 \times .66 = 90.42 = 91$  spaces). According to the parking schedule and drawing on the proposed site plan, a total of 95 parking spaces, including four handicap parking spaces, are provided.

**Section 4.1.2 (5)(d)(ii) of the Maryland Accessibility Code requires for elderly living facilities, 20 percent of the total number of spaces on site must be designed for the physically handicapped. Within that 20 percent, 1 out of every 8 parking spaces must be designed as a van-accessible space.** As such, 18 handicap parking spaces of which 3 are van accessible, are required for the proposed facility. The proposal provides only four handicap spaces and two van-accessible spaces. The site plan must be revised to reflect the required number of handicap parking spaces.

**H. Loading Requirements: Section 27-582 of the Zoning Ordinance requires one loading space for every 100 to 300 for multifamily dwellings.**

One loading space is required for the proposed facility. A loading space dimensioned 33 feet by 12 feet is provided.

**I. Landscape Manual Requirements: The proposed senior living facility meets most of the requirements of the Prince Georges County *Landscape Manual*. The Urban Design Review Section has provided the following recommendation.**

- The applicant does propose a 2,025-square-foot terrace located on the southeast corner of the proposed structure. The terrace should be partially covered to provide shade for the residents. Moreover, a trail system should be incorporated into the site at the rear of the property around the stormwater management pond. This trail should provide a loop with resting places at regular intervals. One of these resting places should be a gazebo/ terrace, or other appropriate large sitting area; the trail should be landscaped to provide shade and interesting views for the residents to enjoy.
- The stormwater management pond should be treated as an amenity and landscaped accordingly.

In the interest of providing a more suitable environment to the intended residents of the proposed facility, the landscape plan should be revised to incorporate the recommended changes. In addition, the loading space must be adequately screened from the road. It is recommended that the west side of the loading space be planted with four Emerald Green Arborvitae (six to eight feet tall).

- J. Sign Regulations: No sign is shown on the site plan. If the applicant intends to place a freestanding sign on the site, its location must be shown on the site plan prior to approval. All signs must meet the area, height and setback standards, in accordance to the provisions of Part 12 of the Zoning Ordinance.
- K. Zone Standards: The site plan conforms to all other development standards of the C-S-C Zone. However, information must be provided on the site plan regarding design standards, including the height, lot coverage, density, frontage, yards and green area calculations, to ensure continuing compliance with the requirements.
- L. Subdivision: The Subdivision Section has indicated that a subdivision plat is required.
- 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 for conformance with the requirements of the Ordinance indicates no major conflicts with the fundamental purposes of this subtitle. However, the proposal should be supplemented with additional details and documentation to enhance the development.

Information should be submitted into the record pertaining to the proposed building's internal design features to show that all the necessary elements are embodied in the building. There are no data to show a breakdown of the 137 units in 1- and 2-bedroom units. As well, there is no indication whether the units are uniform in size or if they are of varying sizes. The applicant should furnish detailed information on the size and features of the individual units.

Moreover, there is no indication, either on the site plan or in the statement of justification as to whether the proposed building contains amenities such as an activity room, exercise room, party room, beauty and barber shop, reading room, etc. Due to the nature of the proposed development, it is imperative that recreational and social amenities be provided, both on the grounds of the property and within the proposed building, to ensure the comfort, security and safety for the future residents of the facility. Potential amenities should be identified and

information on their specific use, purpose and size should be furnished to evaluate their benefit as amenities.

The site/landscape plan should include such features as a gazebo/terrace, landscaped trail, etc., providing recreational space commensurate with the age and capabilities of the intended residents of the facility. The proposed development plan features woodland preservation, slopes, reforestation area and floodplain. As such, a more desirable physical environment than that proposed currently could be achieved through the application of innovative designs.

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

The subject property is located in the C-S-C Zone which permits the proposed special exception. With the recommended conditions, the proposed use conforms to all 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.**

There are no Master Plan concerns which are relevant to the content of this application. Furthermore, the proposed use will not result in the substantial impairment of the Master Plan for The Heights and Vicinity (2000).

The Community Planning Division has offered the following comments.

- The use of the subject property for residential purposes is appropriate considering the majority of the surrounding uses are residential. The density of the proposed development will be higher than that permitted on the adjoining residentially-zoned properties, but it is not incompatible with those zones. The properties to the south have scattered single-family dwellings but the zoning is for a higher density. Buffering of the proposed use from the adjoining commercial property to the north is necessary and required.
- Further, the use of this property in a noncommercial retail manner will have no impact on the adequacy of the retail space to serve the needs of residents in this planning area. The market analysis conducted concurrent with the plan development indicated the area was well served by existing commercial retail space. It further indicated that future residential growth will be served by undeveloped commercially-zoned land. In addition, several properties were placed in zones via the sectional map amendment that allow for commercial-retail uses. In the Community Planning



Division's opinion, the proposed use at this location will not substantially impair the integrity of the master plan.

- The County Council approved the Heights Master Plan on November 21, 2000. During the public hearing process on the preliminary master plan and proposed sectional map amendment (July 13, 1999), the applicant requested the R-10 or the R-10A Zones to develop senior housing. The Council did not support the requested zones at its work session (April 5, 2000) on the public hearing testimony as the zones did not limit development to senior housing. The transcript analysis before the Council for its work session indicated the applicant should pursue this use via the special exception process.

- (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.**

With the recommended conditions, 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 property is bordered to the north by a commercial property which is developed with an auto repair use in the C-M Zone. This portion of the property, which is about 383 feet long, contains .15 acre of reforestation area and the larger portion of the .33-acre designated woodland preservation area. Therefore, the northern side of the building is adequately buffered from the potential noise and visual intrusion from activities in the abutting commercially-zoned area. The eastern and southern portions of the property border residentially-zoned properties developed with garden apartments and single-family detached dwellings, and it contains the proposed stormwater management pond and floodplain, which comprise approximately .23 acre of land with varying topography and vegetation. As such, this area also provides a natural barrier from potential visual and noise intrusion from which both the subject property and the adjoining residentially-zoned property will benefit.

The proposal did not provide information regarding safety and security measures to be employed to protect the residents on the premises. Details of such measures should be submitted into the record.

With regard to traffic and transportation issues, due to the nature of the use, it is unlikely that the proposed building would generate a level of traffic that would

raise concern for congestion on the streets. The Transportation Planning Division (TPD) has offered the following comments:

In terms of the trip generating capability of the proposed facility, staff generally refers to the *Institute of Transportation Engineer's (ITE) Trip Generation Manual, 6th Edition*, for trip generation rates. Based on the *Manual*, each dwelling unit within an elderly apartment (253) will generate 0.07 trip during the AM peak hour and 0.1 trip during the PM peak hour. The 137 units will therefore generate 10 AM trips and 14 PM trips. The intersection of St. Barnabas Road and Silver Hill Road (MD 458) is the closest signalized intersection that would be most affected by the application.

A traffic count taken in early March 2001 indicated a Level-of-Service/critical lane volume (LOS/CLV) of B/1,083 during the AM peak hour, while the analysis showed E/1,571 during the evening peak hour. The Prince George's County Planning Board, in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, has defined Level-of-Service D (LOS D) as the lowest acceptable operating condition for signalized intersections. With the inclusion of the site-generated trips, the intersection was reanalyzed and the results showed a LOS/CLV of B/1,084 during the AM peak hour, and E/1,575 during the evening peak hour. While the evening peak hour operates with failing levels of service, the additional traffic from the proposed development would have only a marginal impact.

Regarding on-site traffic circulation, staff has no issues.

From a transportation perspective, the approval of the subject application will not negatively impact the health, safety or welfare of the surrounding community

With respect to noise impact, the Environmental Planning Section has offered the following comments:

The site is located along the east side of St. Barnabas Road, which is as a 4-lane divided arterial within a 120-foot-wide right-of-way, and it has an associated noise corridor. The proposal to develop the site residentially makes a determination of noise impacts necessary to determine if any noise mitigation may be appropriate. The location of the noise corridor may also influence the location of outdoor activity areas for residents, although none are currently shown on the site plan.

The Environmental Planning Section recommends that the applicant shall submit certification by a professional engineer with competency in acoustical analysis to

the Environmental Planning Section demonstrating that the design and construction of residential building shells within the noise corridor of St. Barnabas Road will attenuate noise to an interior level of 45 dBA(Ldn) or less.

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

The property is subject to the provisions of the County Woodland Conservation Ordinance because it is more than 40,000 square feet in area and it contains more than 10,000 square feet of woodland. A Forest Delineation and Type I Tree Conservation Plan (TCP) are required. The property has a previously approved Tree Conservation Plan. The Environmental Planning Section has indicated that a revised Tree Conservation Plan (TCPI/08/90) has been submitted for review.

The Environmental Planning Section has offered the following recommendations:

- a. Prior to Site Plan and TCP I approval:
  - (1) The plan shall be revised to show a reduction in the intrusion of the building into the delineated stream buffer as shown on Exhibit A (a reduction of five apartments, and the relocation of the stairwell). Reforestation within the stream buffer and adjacent to the stream buffer shall be maximized to the extent possible. This may include landscaping required for the stormwater management pond, if acceptable to the Department of Environmental Resources.
  - (2) The stormwater management pond shall be revised to be in conformance with the setback requirements of the Stormwater Management Concept Approval Letter.
  - (3) The applicant shall provide a location for the proposed off-site mitigation, preferably in the Henson Creek sub-watershed.
- b. Prior to approval of the TCP II, the applicant shall submit copies of the approved Technical Stormwater Management Plan to the Environmental Planning Section, so that landscaping and woodland conservation in the stream buffer area can be coordinated.
- c. The TCP II shall delineate the critical root zones of the specimen trees to be preserved, and include all notes and details appropriate for their protection and management.
- d. Prior to the issuance of permits, a jurisdictional delineation from the U.S. Army Corps of Engineers shall be provided to the Environmental Planning

Section. If wetlands are found, prior to the issuance of any building or grading permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

## CONCLUSION

Based on the preceding analysis and findings, it is recommended that Special Exception Application No.4371 be APPROVED, subject to the following conditions:

1. The site plan/landscape plan shall be revised to include:
  - a. Required number of parking spaces for the physically handicapped in accordance with Section 4.1.2(5)(d)(ii) of the Maryland Accessibility Code. A total of 18 handicap parking spaces, of which three are van accessible, shall be provided.
  - b. The terrace located on the southeast corner of the proposed structure shall be partially covered to provide shade for the residents.
  - c. A trail system shall be incorporated into the site at the rear of the property around the stormwater management pond. This trail shall provide a loop with resting places at regular intervals. One of these resting places shall be a gazebo/ terrace or other appropriate large sitting area. The trail shall be landscaped to provide shade and visually attractive views.
  - d. The stormwater management pond shall be treated as an amenity and landscaped accordingly.
  - e. The west side of the loading space shall be planted with four Emerald Green Arborvitae (six to eight feet tall).
2. The applicant shall submit the following information into the record of this case.
  - a. Typical size, type and features of individual apartment units.
  - b. Amenities, if any, within the building, such as activity room, exercise room, party room, beauty and barber shop, reading room, etc.
  - c. Architectural drawings of building elevations and cross section to demonstrate compatibility with surrounding uses.

- d. Safety and security measures to protect residents and guests on the premises.
3. The proposal shall comply with the following recommendations of the Environmental Planning Section:
- a. Prior to Site Plan and TCP I approval:
    - (1) The plan shall be revised to show a reduction in the intrusion of the building into the delineated stream buffer as shown on Exhibit A (a reduction of five apartments, and the relocation of the stairwell). Reforestation within the stream buffer and adjacent to the stream buffer shall be maximized to the extent possible. This may include landscaping required for the stormwater management pond, if acceptable to the Department of Environmental Resources.
    - (2) The stormwater management pond shall be revised to be in conformance with the setback requirements of the Stormwater Management Concept Approval Letter.
    - (3) The applicant shall provide a location for the proposed off-site mitigation, preferably in the Henson Creek sub-watershed.
  - b. Prior to approval of the TCP II, the applicant shall submit copies of the approved Technical Stormwater Management Plan to the Environmental Planning Section, so that landscaping and woodland conservation in the stream buffer area can be coordinated.
  - c. The TCP II shall delineate the critical root zones of the specimen trees to be preserved, and include all notes and details appropriate for their protection and management.
  - d. Prior to the issuance of permits:
    - (1) A jurisdictional delineation from the U.S. Army Corps of Engineers shall be provided to the Environmental Planning Section. If wetlands are found, prior to the issuance of any building or grading permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all Federal and State wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
    - (2) The applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental

Planning Section demonstrating that the design and construction of residential building shells within the noise corridor of St. Barnabas Road will attenuate noise to an interior level of 45 dBA(Ldn) or less.

4. Prior to the issuance of building permits, the applicant shall provide documentary evidence that the covenants required by Section 27-337(b) of the Zoning Ordinance have been recorded.