

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



SPECIAL EXCEPTION APPLICATION NO. 4419

Application	General Data
Project Name: Trinity Terrace Location West side of Fisher Road, approximately 493 feet north of Brinkley Road. Applicant/Address Trinity Terrace, Inc. 5430 Grovesnor Lane, Suite 210 Bethesda, Maryland 20814 Correspondent Edward C. Gibbs, Jr., Esq. Gibbs and Haller 4640 Forbes Boulevard Lanham, MD 20706	Date Accepted 6/1/01
	Planning Board Action Limit N/A
	ZHE Hearing Date Not Scheduled
	Plan Acreage 4.76 Acres
	Zone R-18C
	Dwelling Units 72-unit
	Square Footage
	Planning Area 76B
	Council District 8
	Municipality N/A
	200-Scale Base Map 208SE03

Purpose of Application	Notice Dates
Apartment Housing for Elderly or Physically Handicapped Families.	Adjoining Property Owners (CB-15-1998) 7/20/01
	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		

October 3, 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. 4419**

REQUEST: **Apartment Housing for the Elderly**

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

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

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

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

FINDINGS:

- A. Location and Field Inspection: The subject site is located on the west side of Fisher Road, approximately 493 feet north of Brinkley Road. The site is carved out of two properties identified as

Parcel 180 (Residue of L.2352 F.36) and part of Parcel A on the Tax Map 96/97, with a combined size of 23.3 acres. A Preliminary Plan 4-01061 is being reviewed for the subdivision of Residue of L.2352 F.36 with a total acreage of 6.84, into two lots. Once the subdivision is recorded, a lot line adjustment is proposed between Lot One and Parcel A, creating the proposed special exception area as a separate parcel. The proposed special exception site comprises approximately 4.76 acres of land. It is currently unimproved and is wooded. The site has approximately 520 feet of frontage along Fisher Road.

- B. History: The 1984 Sectional Map Amendment for Subregion VII classified the subject property in the R-18C Zone with a maximum density of 14 dwelling units per acre.
- C. Master Plan Recommendation: The 1981 approved Master Plan for Subregion VII recommends urban residential use for the subject property.
- D. Request: The applicant proposes to construct a three-story, 38.5-foot-high, 72-unit apartment housing for the elderly and physically handicapped. The proposal also includes the construction of 49 parking spaces and a stormwater management pond.
- E. Neighborhood and Surrounding Uses: The neighborhood is generally defined by the following boundaries:

North and Northeast: The Capital Beltway (I-495) and Temple Hill Road

East: Henson Creek Neighborhood Park

South: Brinkley Road

West: Saint Barnabas Road and I-495.

The immediate neighborhood is characterized by a mixture of residential developments, including garden apartments, townhouses and single-family detached dwellings. The area also contains large areas of undeveloped parcels of land. The J. Frank Dent Elementary School is located in the western most portion of the neighborhood, and the Samuel Chase Elementary School is located in the central part of the neighborhood.

The subject property is surrounded by garden apartments (R-18C Zone) and a day care facility to the north (R-18C Zone). The major portion of the 23-acre undeveloped and wooded tract of land (of which the special exception site is currently part) is located to the west and south (R-18C Zone). To the east directly across Fisher Road are townhouses in the R-18C Zone, and further east and northeast are apartments and single-family houses in the R-18 Zone. To the northeast of the site across Fisher Road are single-family homes in the R-80 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.

- (2) In the R-18, R-18C, R-H, and R-10 Zones, the following shall apply:

- (A) The owner shall be a private, nonprofit organization;

The applicant's statement of justification indicates that the owner, Trinity Terrace, Inc., is a private, nonprofit organization. The proposed facility will be developed and operated by another private nonprofit organization, Victory Housing, Inc.

- (B) In addition to the requirements of Section 27-296(c), the site plan shall show the density, type, and total number of dwelling units proposed. The minimum net lot area may be reduced and density may exceed that normally permitted in the applicable zone, provided that:

- (i) The net lot area shall not be less than fifty percent (50%) of the minimum net lot area normally required in the zone; and

- (ii) The density shall not be greater than twice that normally allowed in the zone;

The subject proposal complies with this requirement. The required minimum net lot area for multifamily dwellings in the R-18C Zone is 43,560 square feet (one acre). The area for the proposed special exception use comprises a gross tract area of 4.76 acres. The proposed site plan shows a 72-unit, 38.5-foot-tall apartment building on 4.76 acres of land with a density of 15.13 dwelling units per acre. The maximum allowed density for the proposed use is 20 dwelling units per acre.

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.**

The statement of justification indicates that the applicant is in complete agreement with these criteria.

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

The proposed senior living facility will have 72 dwelling units. A total of 48 parking spaces are required ($72 \times .66 = 47.52$ spaces). According to the parking schedule and drawing on the proposed site plan, a total of 49 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, 10 handicap parking spaces, of which at least one is van accessible, are required for the proposed facility. The proposal provides only four handicap spaces of which two are 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 multifamily dwellings.**

No loading space is required for the proposed 72-unit facility.

- I. **Landscape Manual Requirements:** The proposed landscape plan meets most of the requirements of the Prince Georges County *Landscape Manual*. The Urban Design Review Section has provided the following comments:

- The plant list should be revised to be in accordance with the size of plant materials required by the *Landscape Manual*. Shade trees shall be 2. to 3 inches in caliper. Several of the

sizes of plant materials have been omitted; the plant schedule must be filled out completely. In addition, the spacing of the plant materials appears to be incorrect and it needs to be adjusted. The schedule for Section 4.7 Bufferyard Planting for the ■NORTH SIDE-EASTERN 308 FT.● is incomplete. The amount of plant materials provided needs to be included. In addition, the stormwater management facility should be treated as an amenity and landscaped accordingly.

- 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 R18-C Zone.
- L. Subdivision: The Subdivision Section has indicated that a subdivision plat is required. Subdivision Application No. 4-01061 has been filed.
- 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.

The applicant has submitted floor plans 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. The proposed building contains amenities such as a wellness center, hobby room, library, barber shop, computer room, etc., all on the first floor level. The first floor also contains a large dining room with a kitchen.

Due to the nature of the development, a provision of architectural drawings showing elevations of the proposed building would be appropriate. The applicant has submitted a set of drawings consisting of floor plans for the first and second levels and a front elevation (Exhibit ■B● A-1, A-2 and A-4). It appears that the set of drawings is incomplete. A complete set of drawings of building elevations and sections should be provided. The applicant should also provide color renderings of the project to demonstrate compatibility with the surrounding developments. In addition, the stormwater

management pond should be treated as an amenity and landscaped accordingly to provide for a more desirable physical environment for the future residents of the proposed facility.

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

The subject property is located in the R18C 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 1981 approved Master Plan for Subregion VII.

The Community Planning Division has offered the following comments.

The 1981 Approved Master Plan designates portions of the subject property as Natural Reserve and Conditional Reserve Areas. Floodplain or floodplain soils exist west of the site. The WMATA right-of-way, which was abandoned due to the change in priority to build and terminate the Green Line at Branch Avenue Metro Station, bisects the subject property. The Master Plan designates the WMATA right-of-way as Suburban Residential, and a small portion as Urban Residential.

The proposal will not substantially impair the integrity of the Master Plan for the reasons outlined below:

The Approved Master Plan recommends properties east and west of the site, and portion of the subject property for Urban Residential. The northern portion of the property adjoins a day care center.

The portion of the property recommended for Suburban Residential is the anticipated WMATA right-of-way for the proposed Rosecroft Metro Line, which is now abandoned due to the termination of the Green Line at the Branch Avenue Metro Station.

The SMA classified this property and several adjacent properties in the R-18C Zone. Thus, multifamily land uses were clearly recommended for the areas not recommended as WMATA right-of-way.

The proposal meets the goal of the Living Areas Chapter of the Master Plan which states, ■Encourage a housing inventory which is diverse in design and cost to meet the needs of all income levels, age groups and family sizes.●

While the applicant contends that an apartment house for the elderly is permitted by special exemption in the R-18C Zone, the adequacy of the use and siting as proposed should be evaluated for Guideline 8 of the Living Areas Chapter of the Master Plan which prohibits housing in unsafe areas, such as wetlands, floodplains, and unstable soils.

- (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.**

There are extensive barriers, natural and manmade in the form of topography, landscaping and building setbacks, between the nearest residential properties and the proposed use. So long as environmental regulations are properly followed, and with the recommended conditions, the proposed use will not adversely affect the health, safety or welfare of residents or workers in the area. Nor is there any indication that the proposed development would be detrimental to the use or development of adjacent properties or the general neighborhood.

The proposed special exception site borders undeveloped and wooded tracts of land to the west and south. The western portion of the proposed 4.76-acre special exception site abuts a 40-foot-wide utility easement and beyond the easement are located patches of forest preservation area (.015 acre) and a flood plain area and nontidal wetlands of 3.72 acres.

The southern portion of the site contains the proposed stormwater management pond. This portion of the special exception site borders the proposed 120-foot Master Plan arterial(A-47) for realignment of Brinkley Road. Beyond the proposed 120-foot right-of-way is a forest preservation area of .72 acre of land. A subdivision application is currently being processed for the subject property. Assuming that the subdivision of the property will be approved without a substantial change to the size and shape of the proposed special exception site, there is a potential noise impact associated with the planned realignment of Brinkley Road. The applicant should submit a noise study and propose appropriate measures to mitigate internal and external noise level.

The eastern portion of the special exception site borders residentially zoned properties developed with garden apartments and a day care center. This portion of the subject site contains .80 acre of reforestation and preservation area 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 properties will benefit.

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 Section has offered the following comments:

The Guidelines for the Analysis of the Traffic Impact of Development Proposals do not provide trip rates for an elderly housing facility. The Institute of Transportation Engineers' *Trip Generation Manual* (sixth edition), however, provides trip rates for four types of similar facilities: retirement community, congregate care facility, elderly housing-attached, and elderly housing-detached. In reading the descriptions of each type of use, only one, elderly housing-detached, clearly is not applicable to the proposal.

The trip generation rates for each type of use vary, and are summarized below:

COMPARISON OF SITE TRIP GENERATION (SOURCE: ITE TRIP GENERATION MANUAL, 6TH EDITION)				
Proposed Use	AM Peak Hour Rates (Ins & Outs)		PM Peak Hour Rates (Ins & Outs)	
Retirement Community (72 units)	6	6	11	8
Congregate Care Facility (72 units)	3	1	7	5
Elderly Housing-Attached (72 units)	3	2	4	3

A worst case would indicate that the development planned for the site would generate 12 AM and 19 PM peak-hour vehicle trips. The site receives access via a driveway which would be the fourth leg of the Fisher Lane/Brinkley Station Drive intersection. The entrance is and would remain unsignalized. The critical intersection for this site would be the intersection of Brinkley Road and Fisher Road, which is signalized. Using adjusted 1995 counts at this location which were adjusted to include growth, the Planning Board found in 1998 that the intersection was projected to operate at Level-of-Service (LOS) D, with a critical lane volume (CLV) of 1,341, during the AM peak hour, and at LOS C with a CLV of 1,247 during the PM peak hour with the development of all approved developments in the area. While the size of the proposed Special Exception is not sufficient to change the service levels at the Brinkley Road/Fisher Road intersection, it would be helpful to update the analysis with a newer count.

The site appears to require a Preliminary Plat of Subdivision if the Special Exception were to be approved, and an updated traffic count should be provided by the applicant for review at that time. The Zoning Ordinance does not indicate a finding of adequate public facilities is needed in order to approve a Special Exception, but this finding would be needed in order to approve the related subdivision of the property in the near future, and the transportation staff would make the required finding at that time.

The site plan for the Special Exception is acceptable as submitted from the standpoint of access and circulation. Brinkley Road is a Master Plan arterial facility on a relocation adjacent to the site, and the limits of the right-of-way shown on the plan are acceptable. The reconstruction of Brinkley Road to a full arterial is shown in the county's FY 2002-2007 Capital Improvement Program, but with no construction funding within the next six years. The inclusion of this project indicates that the county intends to reconstruct Brinkley Road; however, this reconstruction is unlikely to occur within the next six years.

The Transportation Planning Section finds that there are no significant transportation impacts which would result from the proposed Special Exception.

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.

(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 site has been previously reviewed by the Environmental Planning Section as part of Preliminary Plans 4-88246, 4-89084, and 4-89164, and Type I Tree Conservation Plan I/13/95. Preliminary Plan 4-89164 was approved but never platted. No record of approval for TCP I/13/95 has been found.

The Environmental Planning Section has offered the following recommendations (see attached memorandum of October 1, 2001 from Kim Finch):

1. Prior to approval, TCP I/3/95 shall be revised:
 1. To show additional nontidal wetlands on the southwest corner of the Parcel and the required 25-foot-wide buffer as shown on the amended forest stand delineation (FSD) dated September 2001;

2. To show added areas of nontidal wetlands and wetland buffers location in the southwest corner of Parcel A as woodland preservation areas.
 3. To show the location of two specimen trees identified with the FSD and include a table indicating their species, size, condition and proposed disposition..
 4. To identify all utility easements and remove all woodland conservation areas from utility easements.
 5. To eliminate areas of woodland conservation less than 35 feet in width.
- 2 At time of TCP II review, the use of woodland conservation areas adjacent to the stormwater management pond shall be dependent on the submittal of the Approved Technical Stormwater Management Plans for the pond to the Environmental Planning Section. The plan shall demonstrate that planting in the stormwater management pond is acceptable to the Department of Environmental Resources and the stocking levels provided shall satisfy the requirements of the Woodland Conservation Ordinance.

CONCLUSION

Based on the preceding analysis and findings, it is recommended that Special Exception Application No.4419 be APPROVED, subject to the following conditions:

1. Prior to the issuance of permits, the site/landscape plan shall be revised to include:
 - a. The 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. Shade trees shall be 2. to 3 inches in caliper.
 - c. The plant schedule must be filled out completely indicating the correct sizes, types and numbers of plant materials provided.

- d. The spacing of the plant materials shall be adjusted to demonstrate consistency with the *Landscape Manual* requirement
 - e. The Stormwater Management Facility shall be treated as an amenity and landscaped accordingly.
2. The applicant Shall submit the following information into the record of this case:
- a. Color renderings, architectural drawings of building elevations and cross sections to demonstrate compatibility with surrounding uses.
 - b. Safety and security measures to protect residents and guests on the premises.
3. Prior to approval, Tree Conservation Plan I/3/95 shall be revised to include:
- a. Additional nontidal wetlands on the southwest corner of the Parcel and the required 25-foot-wide buffer as shown on the amended forest stand delineation (FSD) dated September 2001.
 - b. Added areas of nontidal wetlands and wetland buffer locations in the southwest corner of Parcel A as woodland preservation areas.
 - c. The location of two specimen trees identified with the FSD, and include a table indicating their species, size, condition and proposed disposition.
 - d. Identify all utility easements and remove all woodland conservation areas from utility easements.
 - e. To eliminate areas of woodland conservation less than 35 feet in width.
4. At time of TCP II review, the use of woodland conservation areas adjacent to the stormwater management pond shall be dependent on the submittal of the Approved Technical Stormwater Management Plans for the pond to the Environmental Planning Section. The plan shall demonstrate that planting in the stormwater management pond is acceptable to the Department of Environmental Resources and the stocking levels provided shall satisfy the requirements of the Woodland Conservation Ordinance.

5. The applicant shall submit certification by a professional engineer with competency in acoustical analysis demonstrating that the design and construction of residential building shells within the noise corridor of Brinkley Road (proposed) will attenuate noise to interior noise level of 45 dBA (Ldn) or less.
6. 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.