

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



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SPECIAL EXCEPTION APPLICATION 4424

Application	General Data
Project Name Fort Washington Manor Location East side of Indian Head Highway, opposite its intersection with Fort Washington Road. Applicant AHD, INC. 7768 Woodmont Avenue, Suite 200 Bethesda, Maryland 20814	Date Accepted 7/2/01
	Planning Board Action Limit None
	Tax Map & Grid 123 B-2
	Plan Acreage 23.35 Acres
	Zone R-E
	Dwelling Units 185
	Square Footage N/A
	Planning Area 80
	Council District 08
	Municipality None
	200-Scale Base Map 214SE1

Purpose of Application			Notice Dates	
Planned Retirement Community - 27-317 & 27-395			Adjoining Property Owners (CB-15-1998)7/2/01	
			Previous Parties of Record (CB-13-1997)1/16/02	
			Sign(s) Posted on SiteN/A	
			Variance(s): Adjoining Property OwnersN/A	
Staff Recommendation			Staff ReviewerCatherine H. Wallace	
APPROVAL	APPROVAL WITH CONDI- TIONS	DISAPPROVAL	DISCUSSION	
	X			

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January 16, 2002

TECHNICAL STAFF REPORT:

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

VIA: Arie Stouten, Zoning Supervisor

FROM: Catherine H. Wallace, Planner Coordinator

SUBJECT: **Special Exception Application No. 4424**

REQUEST: **Planned Retirement Community**

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 property is located on the east side of Indian Head Highway (MD 210) opposite its intersection with Fort Washington Road. It is an irregularly shaped parcel over 23 acres in size, and it is improved with the Fort Washington Christian Church. The balance of the site is mostly wooded, but has been used for selective logging.
- B. History: The District Council retained the R-E Zone for this property at the time of the *Subregion VII Sectional Map Amendment*, July 24, 1984.
- C. Master Plan Recommendation: The *Subregion VII Master Plan* recommends public/quasi-public uses for the site, recognizing the existing church use on the property.
- D. Request: This application is for the purpose of adding to the church use, a planned retirement community consisting of two 3- and 4-story elevator apartment buildings containing a total of 185 rental units for the elderly. All units will be occupied by individuals at least 62 years of age. Both buildings will include common areas such as a community room, lounges and laundry facilities. The site plan shows a courtyard and trails for passive recreation. Access to the development is proposed via the existing service road from Fort Washington Road.

- E. Neighborhood and Surrounding Uses: The neighborhood is defined by the following boundaries:

North - Old Fort Road North

East - Old Fort Road South

South - Livingston Road

West - Indian Head Highway

The neighborhood contains the majority of the Friendly community, which is developed with low-density, single-family detached residential development. The property is on the edge of this community, and it lies opposite Indian Head Highway from an activity center and office park.

The uses immediately surrounding the site are:

North - undeveloped land in the R-E Zone

East - the balance of the 33 acre tract, which is undeveloped and in the R-E Zone, beyond which lie single-family detached homes in the R-E Zone

South - single-family detached residences in the R-E Zone

West - (Across Indian Head Highway) Tantallon Shopping Center, gas station and office park all in the C-S-C Zone

F. Specific Special Exception Requirements:

Sec. 27-395. Planned Retirement Community.

A planned retirement community may be permitted, subject to the following criteria:

- (a)(1)(A)(i) The proposed use will serve the needs of the retirement-aged community;**

The applicant submitted a market study which analyses the demographics of the county and concludes that there is a need for retirement housing in this portion of the county. The Needs Assessment notes that the target market for the complex will be seniors with incomes of \$15,000 to \$28,000. (S. Patz & Associates, Needs Assessment, p. 10.) The study further estimates that only 10 percent of the elderly population eligible to live in Low Income Housing Tax Credit units in the southern portion of the county actually live in such units, indicating a significant need. Additionally, the lease rates and occupancy figures for such housing indicates a demand in the market. Joseph Valenza of the M-NCPPC Information Center, Research Section, agrees with the applicant's conclusion that there is market support for this proposal.

- (ii) The proposed use will not adversely affect the character of the surrounding residential community;**

Although not strictly consistent with the character of a single-family detached residential development, a planned retirement community can be compatible with a residential neighborhood and need not adversely affect the character of the surrounding community. In this case, the subject proposal has several positive attributes. First of all, the subject property already has an institutional character due to the presence of the church, a use deemed compatible with residential development as long as it is located on a parcel which can accommodate its size. Secondly, it is well buffered from portions of the surrounding community: to the east by wooded buffers and topographic changes, and on the west it is oriented toward Indian Head Highway and the commercial development beyond. Vehicular activity will be oriented to Indian Head Highway through the service road and will not impact the nearby residential community or residentially zoned land.

The properties directly to the north and south are not as well separated from the subject site as the other surrounding areas. However, if sufficient in size, heavily landscaped buffers can provide appropriate transitions between the proposed development and residentially zoned land to the north and south. It should be borne in mind that the proposed use, like the rest of the neighborhood, is residential in nature. The primary difference between the two uses is one of density and scale. On the southern side of the property the proposed building is set back well from the property line. This generous setback of over 175 feet allows the scale of the 3- and 4-story building to visually recede and provides room for the landscape buffer to virtually eliminate the line of sight to the proposed building. On the northern property line this is not the case. The building is proposed to be set back about 50 feet from the property line. Even very substantial evergreens planted at 12 feet in height would leave visible a significant portion of the building. Moreover, the proposed loading area is located in this area and would have negative impacts on the noise levels associated with the use.

Additionally, the proposed density at almost eight dwellings per gross acre appears to be excessive for this site, given its configuration and development constraints. As discussed in Section (a)(3)(C)

below, the natural development constraints and the location of the church and related uses leaves a relatively small portion of the site available for development. To place virtually the maximum permitted density for this use, coupled with existing buildings on the site (which have the appearance of increasing the intensity of development), next to estate densities of one-acre lots, has the potential for negatively affecting the character of the surrounding area.

Staff therefore recommends that the northernmost wing of the northern building be eliminated, reducing the proposed units in that building from 110 to 75, and reducing the overall number of units from 185 to 150, and the proposed density from 7.9 to 6.4. A minimum setback of 100 feet from the northern property line is recommended to adequately screen the proposed building from the R-E-zoned land north of the site. The loading space for this building is recommended to be relocated to the interior of the site, as shown for the southern building. Furthermore, the applicant should provide elevations of the proposed buildings to demonstrate that the building design and materials will be residential in character and reflect the building styles of surrounding residential developments. With these conditions addressing the scale, setbacks, density and appearance of the proposed use, the planned retirement community can be harmonious with the surrounding development.

- (iii) **In the R-A Zone, there shall be a demonstrated need for the facility and an existing medical facility within the defined market area of the subject property.**

The site is in the R-E Zone, therefore this requirement does not apply.

(a)(2) Site plan.

- (A) **In addition to the requirements of Section 27-296(c), the site plan shall set forth the proposed traffic circulation patterns.**

The site plan shows the proposed traffic circulation patterns. The proposed retirement community use will share the entrance to the site with the existing church as well as some of the internal driveways. Much of the area devoted to parking for the individual uses will remain separate from the other parking areas so that internal traffic circulation will have minimal conflicting traffic movements.

(a)(3) Regulations.

- (A) **Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, and other requirements of the specific zone in which the use is proposed 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 a given Special Exception.**

Although the standard regulations of the R-E Zone do not control this special exception use, the site plan meets or exceeds all of the requirements of the R-E Zone except for density and height. A decision on what constitutes the appropriate development standards is guided by the required findings for all special exceptions and the specific finding that the retirement community not adversely affect the character of the surrounding residential community [See Section (a)(1)(A)(2) above.]

(B) The subject property shall contain at least twelve (12) contiguous acres;

The special exception site contains approximately 23 acres, exceeding this requirement.

(C) The average number of dwelling units per acre shall not be more than eight (8) for the gross tract area;

The applicant proposes nearly the maximum density permitted for this special exception: 185 dwelling units or 7.9 dwellings per acre. It should be noted that the site will continue to be shared by the existing church building, parsonage and related parking. Also, a day care center for 100 students is operated on the premises. Nothing in the regulations precludes these uses coexisting on the site as long as adequate parking is available and as long as the resulting development can fit in with the residential character of the surrounding community. It should be noted that the applicant intends to subdivide this parcel and the larger parcel of which it is a part. About 9.8 acres (not a part of this special exception) is anticipated to be subdivided. The 23-acre special exception site is also proposed to be subdivided to separate the retirement housing from the church use. Since the special exception site plan would continue to control the entire 23-acre site, it appears that the proposed density would remain within the boundaries set by the regulations for this special exception.

However, the presence of the church, its parking lot, parsonage, day care center and play area occupy a significant footprint on the site, somewhat less than half of the developable acreage. This has the effect of adding to the overall intensity of development. Staff recommends that the proposed density be decreased somewhat to offset the effects of the existing (church) development and to address the setback, screening and compatibility issues discussed above.

(D) In the R-A Zone, buildings shall not exceed three (3) stories.

This does not apply, as the property is not in the R-A Zone.

(a)(4) Uses.

(A) The planned retirement community shall include a community center or meeting area, and other recreational facilities which the District Council finds are appropriate. These recreational facilities shall only serve the retirement community. The scope of the facilities shall reflect this fact. The Council may only permit a larger facility which serves more than the retirement community if the facility is harmoniously integrated with the retirement community and the surrounding neighborhood. All recreational facilities shall be constructed prior to, or concurrent with, the construction of the residential units, or in accordance with a schedule approved by the District Council;

The applicant proposes to provide a multipurpose room, lounges, a courtyard and a path system. This is inadequate for the proposed use. In fact, it compares unfavorably with the types of amenities provided in standard apartment complexes, let alone a planned retirement community. Moreover, a path system is not shown on the proposed site plan. Approval of this use should be subject to the applicant providing a complete package of recreational facilities including, at a minimum, a continuous loop pedestrian path system, separated from the parking lots; two courtyards or similar

outdoor sitting areas; an indoor exercise facility with suitable exercise equipment; two tennis courts and outdoor exercise stations; or a comparable package of amenities.

- (B) **Retail commercial uses, medical uses, health care facilities, and other uses which are related to the needs of the community may be permitted.**

These uses are not proposed on the property.

(a)(5) **Residents' age.**

- (A) **At least one (1) resident of each household shall be at least fifty (50) years old, unless the applicant can demonstrate that a lesser minimum age requirement should be approved. No permanent resident of the planned retirement community shall be under eighteen (18) years old. Covenants setting forth the minimum age of the residents shall be submitted with the application. The covenants shall be approved by the District Council, and shall be filed in the land records at the time the subdivision plat is recorded. No change in the minimum age shall be permitted, unless both the covenants and the Special Exception have been amended.**

The applicant indicates that the minimum age of at least one resident of each household shall be 62 and that covenants setting forth the minimum age shall be provided. A draft covenant shall be provided, prior to the final approval of this special exception.

(a)(6) **Recreational facilities.**

- (A) **Covenants guaranteeing the perpetual maintenance of recreational facilities, and the community's right to use the facilities, shall be submitted with the application. The covenants shall be approved by the District Council, and shall be filed in the land records at the time the subdivision plat is recorded. If the recreational facilities are to be part of a condominium development, a proposed condominium declaration showing the recreational facilities as general common elements shall be approved by the District Council, and shall be recorded (pursuant to Title II of the Real Property Article of the Annotated Code of Maryland) at the time the subdivision plat is recorded.**

The applicant has indicated the necessary covenants will be provided.

- G. **Parking Regulations:** The proposed site plan indicates compliance with the parking regulations. The proposed use requires 123 parking spaces. With the church and day care use on the site, the total requirement is for 214 spaces. The site plan initially submitted showed 282 spaces, considerably more than required. It was recommended that this number be decreased to save open space and reduce impervious surfaces. The revised plan shows 230 spaces, which exceeds the minimum requirement by only 16 spaces. It is recommended that the number of parking spaces be reduced proportionately to the recommended number of dwelling units for the site.

The proposed access to the loading area for the northern building appears to be within the 50-foot setback for access to loadings areas from residentially zoned land. It is recommended that the

loading area be moved to an interior site location as shown for the southern building. Otherwise, a departure from design standards must be obtained.

- H. Landscape Manual Requirements: The proposed landscape plan is in conformance with the *Landscape Manual* except as to the location of the access to a loading space within the 50-foot setback from the northwest property line, as noted by Liz Whitmore, M-NCPPC Urban Design Section staff. Ms. Whitmore also finds that:

While the subject application meets the requirements of the *Landscape Manual* for the remaining applicable sections, staff has concerns as to the location of the northwest building in relation to the abutting R-E-zoned property. Due to the height of the proposed building, . . . the setback should be increased to 100 feet. To ensure proper screening of the proposed building the applicant should provide elevations which include but are not limited to materials, colors and roof pitches. With these requirements addressing the architecture, setbacks and landscaping, . . . the retirement community will be compatible with the surrounding development.

- I. Zone Standards: As indicated above, the proposed special exception does not require adherence to the regulations of the underlying zone for lot size, lot coverage, setbacks, building height and so forth. Instead these requirements will be regulated by the site plan approved as part of the special exception process and based upon other required findings.
- J. Sign Regulations: A freestanding sign is proposed for the property in addition to the existing freestanding sign for the church. Not more than one freestanding sign can be placed on the property, as long as it remains one parcel. Should the property be subdivided, each parcel will be entitled to a freestanding sign in accordance with the requirements of Part 12.
- K. Other Issues: The subject property is also subject to DSP-99042/01 which was approved for a day care center for 100 children. As noted on the Detailed Site Plan, the property was approved for 100 children, and the parking on the site includes parking for a church with a total of 300 seats, the parsonage, as well as the day care center. The revised special exception site plan in this case accurately reflects this information. It is noted, however, that the proposed change affects the approved DSP and will require the approval of a revision to DSP-99042/01 by the Planning Board's designee.

Several issues were identified by Bob Metzger of the M-NCPPC Environmental Planning Section in his memoranda of August 10 and September 6, 2001. Among these was the need for a revised Tree Conservation Plan to address the entire 33-acre parcel currently in the ownership of the church, which has been addressed through a condition of approval. Additional issues revolve around the need for stormwater management concept plan approval, a Phase I Noise study to determine the noise impacts on the site, a copy of the U.S. Army Corps of Engineers Jurisdictional Determination regarding the wetlands located in the eastern portion of the site, and an approved 100-year floodplain study. The applicant has responded to most of these requests and is currently in the process of revising the TCP.

The stormwater management concept plan has been approved by DER, the Phase I Noise study has been submitted, the wetlands are shown outside of the development envelope, and the approved 100-year floodplain study has been submitted. Because the noise study does show some noise intrusion

into the site, it is recommended that prior to building permit, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors will reduce ultimate exterior noise levels to acceptable standards so that the interior noise level does not exceed 45 dBA (Ldn).

Additional comments from the Environmental Planning Section will be provided when a revised TCP is submitted.

L. 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 general purposes of the Zoning Ordinance can be summarized as protecting and promoting the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the county by promoting beneficial land use relationships. As noted above, the proposed use, like the surrounding neighborhood, is a residential one, proposed to be developed in tandem with an institutional use which is a long-established feature of the community. From a planning perspective, the relevant issues which must be addressed to promote beneficial land use relationships in this case are issues of scale and density. The site is large enough to accommodate a planned retirement community, as long as appropriate setbacks are provided to mitigate the difference in scale between the proposed development and surrounding uses. To provide an appropriate transition, a minimum 100-foot setback is recommended. The northern wing of the northern building is therefore recommended to be eliminated. Due to the continued existence of the church and related uses, which add to the overall intensity of development, the corresponding reduction in density brought about by the reduction in building size is beneficial to the overall relationship between the proposed use and surrounding community.

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

With the recommended conditions, the proposed plan meets the applicable requirements and regulations.

(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 Map Plan, the General Plan.

In his memorandum of August 20 (attached), Reggie Baxter, the community planner for the area, finds the proposed use to further the *Subregion VII Master Plan's* goals, objectives and guidelines for encouraging a broad range of housing opportunities and types. He noted that, if found to be in conformance with the specific requirements for this special exception use, the use should not substantially impair the integrity of the master plan. He noted that the site's orientation to Indian Head Highway and relative isolation from the surrounding community would be instrumental in maintaining compatibility with nearby properties as long as sufficient buffers were maintained along the northern and southern perimeters of the site.

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

The proposed use at this location will not adversely affect the health, safety or welfare of area residents or workers as the site is oriented toward Indian Head Highway and can, with significant setbacks, be sufficiently buffered from surrounding uses to compensate for changes in scale and density.

The proposed use will have minimal impacts on surrounding traffic. As noted in the August 2, 2001, memorandum from Glen Burton, M-NCPPC Transportation Section, the development (at 185 units) will generate 13 AM and 19 PM peak-hour trips. Thus, while the intersection of MD 210 and Fort Washington Road is operating at an unacceptable level, the effects of the proposed development on this intersection would be marginal.

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

With the recommended conditions regarding setbacks, landscaping, density reduction and loading space relocation, the proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The proposed use is residential in nature, as are the surrounding uses. The differences in scale and density can be moderated by the appropriate use of significant setbacks and buffering.

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

An approved Tree Conservation Plan exists for the entire parcel of which this site is a part. A TCP was submitted for the special exception site, but does not address the balance of the parcel for which the prior TCP was approved. Therefore the proposed special exception is not in conformance with an approved TCP. The existing TCP must be revised in accordance with the regulations of the Woodland Conservation Ordinance prior to the final approval of this special exception.

CONCLUSION:

The subject property is an appropriate location for a planned retirement community. It is proposed to be located in conjunction with a church and day care center and is well situated with respect to the availability of shopping and medical facilities nearby. It is well screened from the residential areas to the east, and to the west it is oriented to the retail and office facilities across Indian Head Highway. Although it is residential in character, its scale and density are compatible with estate densities only with the addition of a 100-foot setback from the northwest property line and the elimination of the northern wing of the northern building. This will also have the effect of reducing the intensity of development on the site to a level more compatible with surrounding densities. In light of the above findings, the staff recommends APPROVAL, subject to the following conditions:

1. The site plan shall be revised to show the following:
 - a. The elimination of the northernmost wing of the northern building.
 - b. A 100-foot minimum setback from the northwest property line.

- c. A maximum of 150 planned retirement dwelling units on the site.
 - d. The relocation of the loading space for the northern building to the interior of the site.
 - e. A recreation package comparable to the following:
 - (1) A continuous loop pedestrian path system, separated from the parking lots
 - (2) Two courtyards or similar outdoor sitting areas
 - (3) An indoor exercise facility with suitable exercise equipment
 - (4) Two tennis courts
 - (5) Outdoor exercise stations
- 2. Elevations shall be submitted which demonstrate that the building design, roof pitches, materials and colors shall be compatible with the character and building styles of surrounding residential developments.
 - 3. Covenants setting forth the minimum age of the residents and the perpetual maintenance of recreational facilities shall be submitted for approval by the District Council, prior to final special exception approval.
 - 4. Prior to the release of building permits, the applicant shall obtain the approval of a revision to DSP-99042/01 by the Planning Board's designee.
 - 5. The Tree Conservation Plan shall be revised to include the entire 33-acre parcel currently subject to an existing TCP.
 - 6. Prior to the approval of building permit, a certification by a professional engineer with competency in acoustical analysis shall be placed on the building permits stating that building shells of structures within prescribed noise corridors will reduce ultimate exterior noise levels to acceptable standards so that the interior noise level does not exceed 45 dBA (Ldn).