

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 No. 4438

Application	General Data
Project Name:  Mount Calvery Elderly Housing  Location:  North side of Marlboro Pike at its intersection with Walters Lane, known as 6700 MarlboroPike  Applicant/Address:  Victory Housing, Inc 5430 Grosvenor Lane, Suite 210 Bethesda, Maryland 20814	Date Accepted: 9/25/01
	Planning Board Action Limit: N/A
	Tax Map & Grid: 081 D-3
	Plan Acreage: 1.53 Acres
	Zone: R-55 Zone
	Dwelling Units: 26 D.U.
	Square Feet: 66,799
	Planning Area: 75A
	Council District: 6
	Municipality: None
	200-Scale Base Map: 204SE 6

Purpose of Application	Notice Dates
Apartment housing for elderly or physically handicapped families	Adjoining Property Owners 9-29-01 (CB-15-1998)
	Previous Parties of Record No (CB-13-1997)
	Sign(s) Posted on Site N/A
	Variance(s): Adjoining Property Owners N/A

Staff Recommendation			Staff Reviewer: Jimi Jones
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

July 3, 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: Jimi Jones, Planning Coordinator

SUBJECT: **Special Exception Application No. 4438**

REQUEST: **Apartment Housing for the Elderly or Physically Handicapped**

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 subject property is an irregularly shaped parcel located on the north side of Marlboro Pike at its intersection with Walters Lane. The site lies behind the existing Mount Calvary Church and School. The northeast corner of the site also touches the Luana Drive/Lansdale Street intersection. The site is primarily an undeveloped field with a small playground located at the northeast corner. A chain-link fence is located along the northern property line. Driveways on Marlboro Pike and Lansdale Drive provide access to the subject property.
- B. History: The 1986 *Suitland-District Heights & Vicinity Sectional Map Amendment* retained the property in the R-55 Zone.
- C. Master Plan Recommendation: The 1985 *Approved Master Plan for Suitland-District Heights and Vicinity* recommends public/quasi-public uses.
- D. Request: The applicant is proposing to develop an apartment building for independent low-income senior citizens. The project, which the applicant has named ■Mt. Calvary Senior Apartments,• will consist of 26, one-bedroom apartment units in a three-story building. The building will contain common spaces for such uses as a community room/dining room, warming kitchen, and TV lounge/library/computer room. In addition, the common areas will be programmed for hobbies and activities. There will be an outdoor terrace accessed from the main floor and a covered porch accessed from the ground floor.
- E. Neighborhood and Surrounding Uses: The neighborhood is defined by the following boundaries:
- |                |                 |
|----------------|-----------------|
| <u>North</u> - | Kipling Parkway |
| <u>East</u> -  | Whitney Avenue  |
| <u>South</u> - | Marlboro Pike   |
| <u>West</u> -  | Edfedlt Drive   |

The property is surrounded by the following uses:

- |                |  |
|----------------|--|
| <u>North</u> - | Single-family detached homes in the R-55 Zone.   |
| <u>East</u> -  | Bishop McNamara High School in the R-55 Zone and service- commercial uses in the C-S-C Zone.   |
| <u>South</u> - | Mt. Calvary Church and School in the R-55 Zone. Farther south, directly across Marlboro Pike, is a small commercial center with a laundry, nail salon and restaurant in the C-S-C Zone. A Kentucky Fried Chicken restaurant, tuxedo rental shop, and automobile parts store are located to the southwest across Marlboro Pike. |
| <u>West</u> -  | PEPCO right-of-way and single-family detached homes in the R-55 Zone.  |

F. Specific Special Exception Requirements: Section 27-337 provides the following specific special exception requirements for apartment housing for the elderly and physically handicapped:

(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 twenty (20) years. The covenants shall run to the benefit of the Maryland-National Capital Park and Planning Commission;**

The applicant submits that the owner of the subject property will record the requisite Declaration of Covenants upon approval of the special exception.

- (2) **In the R-18, R-18C, R-H, and R-10 Zones▼.**

These requirements do not apply as the subject property is in the R-55 Zone.

- (3) **In the C-S-C Zone▼.**

These requirements do not apply as the subject property is in the R-55 Zone.

- (4) **In the R-R, R-80, and R-55 Zones, the following shall apply:**

- (A) **The requirements of paragraphs (1), (2), (3), and (4) of Subsection (a), above, shall be met;**

The requirements of paragraphs (1) through (4) of Subsection(a) are as follows:

- (1) **In addition to the requirements of Section 27-296(c), the site plan shall show the density, and the type and total number of dwelling units proposed;**

The site plan indicates that the proposed 26-unit development will yield a density of 17 dwelling units per acre on the 1.53 acre site. The dwellings will be located in a single, three-floor apartment building with 27,747 square feet of floor area.

- (2) **The District Council shall find that the subject property is suitable for the type of development proposed, and is of sufficient size to properly accommodate the proposed number of dwelling units;**

The subject property is suitable for the type of development and number of units proposed. The site plan indicates that this 1.5-acre site has ample room to accommodate the proposed use, which includes a pedestrian trail and open space.

- (3) **Recreational and social amenities for the residents may be provided, if shown on the site plan and approved by the District Council; and**

No recreational or social amenities are shown on the site plan.

- (4) **The height, lot coverage, density, frontage, yard, and green area requirements, including restrictions on the location and height of accessory buildings, as specified for the zone in which the use is proposed, shall not apply to uses or structures provided for in this Section. The dimensions, percentages, and density shown on the approved site plan shall constitute the regulations for development under a given Special Exception.**

The site plan indicates a net lot area of 66,798 square feet, a maximum lot coverage of 49 percent, and a density of 17 dwelling units per acre.

**(B) The District Council shall find that the proposed use:**

- (i) **Will serve the needs of the retirement-aged community or physically handicapped families; and**

The proposed use will serve the needs of the low-income segment of the retirement-aged population. Housing and Urban Development (HUD) Economic and Market Analysis staff has identified an unmet need for housing for low-income seniors in Prince George's County. In 1990, HUD determined an estimated 2,478 low-income, senior citizen units were needed in Prince George's County. Over the past ten years, only 210 such units have been added to the market. The proposed development will help to address that need.

- (ii) **Will not adversely affect the character of the surrounding residential community. The District Council shall consider the lot size, height of the building, lot coverage of all buildings on the property, setbacks from surrounding properties, street frontage, and sufficiency of green area when determining the proposed development's effect on surrounding residential communities.**

The proposed use will not adversely affect the character of the surrounding residential community. The proposed use will be located on the campus of the Mt. Calvary Church and School. This campus sits on the edge of a residential community. The development provides the required setbacks and bufferyards set forth in the Landscape Manual. The proposal for 26 dwelling units is a modest development that does not overwhelm the adjacent residential area.

- (C) **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.**

G. Parking Regulations: The site plan correctly indicates that 18 parking spaces are required for the 26-unit development based on the 0.66 parking space per dwelling unit standard set forth in the Parking Regulations. The applicant is providing 25 parking spaces. No loading spaces are required.

H. Landscape Manual Requirements: The Urban Design Section, in a memo dated October 30, 2001, offers the following comments:

■The application is subject to the requirements of Section 4.1, Residential Requirements, Section 4.3, Parking Lot Requirements and Section 4.7, Buffering Incompatible Uses, of the *Landscape Manual*.

■The applicant identifies five bufferyards that treat the entire institutional campus instead of limiting the bufferyards to the special exception site as stated in Section 27-328.01 of the *Zoning Ordinance*. The special exception is to be considered an independent use in determining compliance with the *Landscape Manual*. The site plan should be revised to reflect this concept.

■1. Section 4.1, Residential Requirements:

■Section 4.1(g) for multifamily dwellings in any zone, a minimum of one major shade tree is required per 1,600 square feet or fraction of green area provided. The site consists of 66,798 square feet. The site plan proposes 51 percent of the site as green area and has provided 39 shade trees, 13 ornamental trees and 5 evergreen trees. The site plan meets the residential planting requirements of Section 4.1(g).

■2. Section 4.3, Parking Lot Requirements:

■Section 4.3 (c) for parking lot area which is 7,000 square feet or larger, but less than 49,999 square feet, a five percent interior planting area is required. The proposed parking lot is 15,941 square feet, and 1,668 square feet, or 10.46 percent of interior planting area is provided. The site plan satisfies the parking lot interior planting requirements.

■3. 4.7 Buffering Incompatible Uses:

■To the north of the site is a single-family detached housing development, which requires a type ■B• bufferyard to buffer the special exception use from the adjacent single-family houses. The site plan meets the requirements, but a portion of the proposed pedestrian path is within the 20-foot landscaped yard. Either the plan should be revised to remove the path or Alternative Compliance is required for this encroachment.

■To the west of the site is the PEPCO utility easement. Per Section 4.7, this use is a medium impact use. A type ■B• bufferyard is required. The site plan provides the required 20-foot bufferyard but proposes a portion of the pedestrian path inside the buffering strip. Again,

either the plan should be revised to remove the path or Alternative Compliance is required for this encroachment.

- I. Zone Standards: The proposed use meets the height and bulk requirements for the R-55 Zone. No variances are necessary.
- J. Sign Regulations: There are no freestanding signs proposed with this application.
- K. Other Issues: The attached memorandum from the Permit Review Section (October 23, Windsor to Jones) indicates several minor site plan deficiencies which must be corrected if this application is approved. Also, the Growth Policy and Public Facilities Planning Section, in a memo dated November 28, 2001, recommends that all residential structures be fully sprinklered in accordance with national Fire Protection Association Standard 13D. The sprinklers are necessary to alleviate the negative impact on fire and rescue services due to the inadequate ladder truck service responsive time. The maximum acceptable response time is 4.25 minutes. The closest ladder truck is at Boulevard Heights Fire Station, with a response time of 5.42 minutes.
- 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 purposes of the Zoning Ordinance are contained in Section 27-102(a). The proposed use and site plan will generally be in harmony with the purposes of the Zoning Ordinance. These purposes seek to protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the county. The proposed development will provide sound, affordable housing for low-income senior citizens, a segment of the housing market that is clearly under served. This development will, therefore, promote the comfort, convenience and welfare of residents in need of this type of housing.

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

With the recommended conditions of approval, the proposed use will be in conformance with all applicable requirements and regulations of the Zoning Ordinance. During our review of the site plan, some minor deficiencies were found that the applicant must address.

- (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 proposed use will not substantially impair the integrity of the 1985 *Approved Master Plan for Suitland-District Heights and Vicinity*. The plan recommends public/quasi-public use for the subject property. The proposed development is consistent with the recommendation of the plan.

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

The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area. This is a small-scale residential development on the edge of an existing residential community. The Transportation Planning Section, in a memo dated November 7, 2001, notes that the proposed 26-unit development will generate 2 AM and 3 PM peak- hour trips. It is unlikely that such a small increase in traffic will have an adverse or detrimental impact on the community.

**(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 be detrimental to the use or development of adjacent properties or the general neighborhood. Although the subject property is located in an area that is substantially developed, there are no indications in the referral replies to suggest that the proposed development will be detrimental to the adjacent community.

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

The proposed development does not disturb more than 10,000 square feet of woodland and is therefore, exempt from the Woodland Conservation Ordinance.

**CONCLUSION:**

The proposed use is a small residential development for the low-income elderly population. This development is associated with the existing church that is adjacent to the proposed use. The applicant is proposing a use that appears to be needed by the low-income elderly segment of the population. The site plan has some minor deficiencies that can be addressed through conditions of approval. The proposal is also supported by the adjacent municipality of the City of District Heights (see attached letter from the Mayor of the City of District Heights dated February 1, 2002.) Staff recommends APPROVAL of SE-4438, subject to the following conditions:

1. Prior to the issuance of permits, the site plan shall be revised as follows:
  - A. Identify on the site plan the required depressed curb or ramping at the crossover for parking spaces for the physically handicapped furthest from the building.
  - B. Building height must be shown on the site plan.
  - C. Indicate on the site plan that all units will be one bedroom units.
  - D. Show a handicap-accessible route from the proposed apartment building to the church in accordance with Comar and ADA requirements.
2. Prior to the issuance of permits, the landscape plan shall be revised as follows:



- A. Demonstrate compliance with the *Landscape Manual* for the subject property within the boundaries of the special exception.
  - B. The pedestrian path must be removed from the bufferyard or Alternative Compliance is required.
- 3. A sprinkler system shall be installed in all residential structures in accordance with National Fire Protection Association Standard 13D and all applicable Prince Georges County requirements.