

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. 4450; (AC-01055)

Application	General Data
Project Name Palmer Park Apartment Housing (Victory Housing)	Date Accepted 11/28/01
	Planning Board Action Limit @
Location South side of Barlowe Road, approximately 280' west of Palmer Park Road.	Tax Map & Grid 060 A-3
	Plan Acreage 2.99
	Zone C-S-C
	Dwelling Units 69
Applicant Victory Housing 4530 Grosvenor Lane, Suite 210 Bethesda, Maryland 20814	Square Footage N/A
	Planning Area 72
	Council District 05
	Municipality N/A
	200-Scale Base Map 203NE7

Purpose of Application		Notice Dates	
Apartment housing for elderly or physically handicapped families - 27-317 and 27-337		Adjoining Property Owners (CB-15-1998)	12/17/01
		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: Gary Wagner	
APPROVAL	APPROVAL WITH CON- DITIONS	DISAPPROVAL	DISCUSSION
	X		

February 6, 2002

TECHNICAL STAFF REPORT:

TO: The Prince Georges County Planning Board
The Prince Georges County District Council

VIA: Arie Stouten, Zoning Supervisor

FROM: Gary Wagner, Planner Coordinator

SUBJECT: **Special Exception Application No. 4450 and Alternative Compliance No. 01055**

REQUEST: **Apartment Housing for the Elderly in the C-S-C Zone**

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 south side of Barlowe Road, approximately 300 feet west of Palmer Park Road in Landover. The site is currently developed as a commercial shopping center that was constructed in the 1950s.
- B. History: The entire property was platted in 1954, Plat Book www 23-Plat 60, and consists of 5.8 acres in the C-S-C Zone. The special exception site consists of 2.99 acres of the original shopping center site. The 1993 *Adopted Sectional Map Amendment for Landover and Vicinity* retained the property in the C-S-C Zone.
- C. Master Plan Recommendation: The 1993 *Approved Master Plan for Landover and Vicinity* recommends that the subject property be developed for commercial shopping center use.
- D. Request: The applicant, Victory Housing, Inc, in partnership with the Prince George's County Department of Housing and Community Development, proposes to construct a three story, 69-unit rental apartment building for the independent, low-income elderly on a 2.99 acre portion of the 5.8 acre, C-S-C site. The proposal requires the removal of approximately half of the existing shopping center.
- E. Neighborhood and Surrounding Uses: The overall neighborhood is defined by Landover Road to the north, Martin Luther King, Jr. Highway to the west, and Sheriff Road to the south. The site is located in Palmer Park, an older, unincorporated area within the Kent Community. To the east and south of the subject property are existing single-family and duplex homes along Palmer Park Road and Bender Road (R-20 Zone). To the northeast of the subject property is an existing gas station on approximately one third of an acre (C-S-C Zone). West of the subject property, across Barlowe Road, is a county police station (R-O-S Zone). North and across Barlowe Road is a park owned by M-NCPPC (R-O-S Zone).
- F. Specific Special Exception Requirements: **Section 27-337(b), Apartment housing for the elderly or physically handicapped families:**

(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.**

In the statement of justification, the applicant has proffered to comply with this requirement.

- (2) Not applicable; property is in the C-S-C Zone.
- (3) **In the C-S-C Zone, the following shall apply:**

- (A) **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 application complies with this requirement. The property consists of 2.99 acres and 69 dwelling units are proposed. This is equivalent to 23 dwelling units per acre.

In the statement of justification, the applicant has indicated that the building will contain indoor space for common use by the residents, such as a community room/dining room, warming kitchen, wellness center, TV lounge, library/computer room and hobby rooms. There will also be an outdoor terrace with a covered porch and other outdoor areas for recreational use.

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

The application complies with this requirement. The green area for the site is 51.3 percent.

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

Adjacent uses are compatible with the proposed development. The site is surrounded by existing single-family and duplex residential units along the eastern and southern property lines. To the north is an existing gas station. Across Barlowe Road is a police station and an M-NCPPC park.

The gas station will be well screened by a required landscape bufferyard on the subject property that will consist primarily of evergreen plant materials.

The residential lots along the eastern and southern property lines are separated from the subject property by a 25-foot-wide strip for screen planting or wall, as designated by the record plat, www 23@60. The planting was to be provided by the developer at the time the shopping center was constructed. Apparently, the planting was never provided or has since disappeared. The strip has become an unkept no-man's land, overgrown with weeds and undesirable plant materials, and an area that collects trash. The applicant would like to relandscape the strip and provide a screen fence at the top of the slope to screen the rear yards of the residential lots which have a variety of chain-link fences and sheds facing the subject property.

It would be preferable to landscape this area as it is unsightly in its present state. However, there is a question regarding ownership. The record plat dedicated the strip as a "nonaccess public place"; however, there is no indication that the property has ever been received by a public entity. Tax records indicate that it is owned by the owners of the shopping center.

The applicant has suggested an alternative to providing landscaping on the special exception site. The applicant would like to locate the proposed rear yard fence and associated landscaping within the 25-foot-wide strip adjoining the subject property with permission from the land owner, if there is a different land owner. The applicant has also indicated that they would agree to a maintenance agreement for upkeep of the landscape strip.

The applicant should be fully prepared to present the details of this alternative arrangement to the satisfaction of the Zoning Hearing Examiner. This alternative may also require an amendment to the application to expand the proposed special exception boundaries. In this manner, all requirements for the special exception use would be located within and controlled by the approved site plan. Staff would support such an amendment in accordance with Section 27-298 of the Ordinance, if deemed appropriate by the Zoning Hearing Examiner.

(4) Not applicable; property is in the C-S-C Zone.

(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.

In the statement of justification, the applicant has indicated that they will comply with this requirement.

- G. Parking Regulations: Based on the following tabulation, parking and loading is in conformance to the requirements of the Zoning Ordinance:

Parking Required:		
0.66 spaces/dwelling unit		46 spaces
2 Handicapped spaces		
Loading Required/Provided:		
		none
Parking Provided:		
Standard spaces		29
Compact spaces		9
Handicapped spaces		7
Van Handicapped spaces		1
Total Parking		46 spaces

- H. Landscape Manual Requirements:

The site is in general conformance to the requirements of the *Landscape Manual*. The applicant filed a request for Alternative Compliance for a reduced bufferyard width adjacent to the existing gas station. The Planning Director recommends approval with the condition that the bufferyard between the gas station and the proposed building be revised to include a double, staggered row of evergreens along the fence with shrubs in front. The width of this bufferyard should be increased accordingly to accommodate these plants. The applicant may remove the shade trees along this half of the bufferyard and provide a combination of evergreens and shrubs to total 192 plant units for the entire bufferyard. Refer to the attached recommendation for AC-01055 for additional details.

- I. Sign Regulations:

The plan proposes one free-standing sign at the entrance and one building-mounted sign over the main entrance to the building. Both signs are in conformance to the location requirements of Part 12 of the Zoning Ordinance. Signage for the development will be required to comply with other requirements of Part 12 of the Zoning Ordinance at the time of permit review.

- J. 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, which are as follows:**

Sec. 27-102. Purposes.

- (a) **The purposes of the Zoning Ordinance are:**

- (1) **To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the county;**

The proposed elderly housing project will be one part of the revitalization of the entire existing shopping center. The plans require the removal of part of the shopping center to accommodate the new elderly housing building. The remaining portion of the shopping center, outside the limits of the special exception, will also be renovated. The new elderly housing building, as well as the renovated shopping center, will revitalize the area and protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the county.

- (2) **To implement the General Plan, Area Master Plans, and Functional Master Plans;**

Although the 1993 *Approved Master Plan for Landover and Vicinity* recommends that the subject site be developed for commercial shopping center use, the addition of elderly housing to the site will offer an expansion of the availability of housing types in the area, which is also a goal of the master plan. The Community Planning Division has indicated by memorandum dated January 9, 2002 (Osei to Wagner), that the proposal will not substantially impair the integrity of the master plan.

- (3) **To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;**

The proposed elderly housing development is to be located in an area that is developed and, in general, has adequate public facilities and services.

In a memorandum dated December 24, 2001 (Masog to Wagner), the Transportation Planning Section of the Countywide Planning Division offered the following comments:

In consideration that approval of the special exception would involve the replacement of over 24,000 square feet of retail space with 69 units of elderly housing, the transportation staff concludes that approval of the special exception would result in fewer vehicle trips on local roadways around the site during the peak hours. The critical intersection for this site would be the intersection of Barlowe Road and Matthew Henson Avenue, which is signalized. It should be noted that the existing entrance to the shopping center is offset from this intersection by about 100 feet. The redevelopment of this site would involve moving this access point to become the fourth leg of this intersection; this should contribute greatly to traffic-operation safety for persons entering and leaving this site as well as traffic using Barlowe Road.

Staff has no traffic counts to use for analyzing current and future traffic conditions at the critical intersection. However, the net impact of the application would reduce traffic in the immediate area. Furthermore, the relocation of the entrance to the site (and the neighboring remaining retail building), would improve safety in the immediate area. Therefore, the transportation staff believes that the approval of the subject application would have a net benefit to traffic operations in the area.

The site plan for the special exception is acceptable as submitted from the standpoint of access and circulation. Barlowe Road is a commercial roadway, and the limits of the right-of-way shown on the plan are acceptable.

With regard to fire and rescue service, in a memorandum dated January 7, 2002 (Williams to Wagner), the Growth Policy and Public Facilities Planning Section has indicated that ambulance service at Chapel Oaks, Company 38, and ladder truck service at West Lanham Hills, Company 28, are beyond adequate response times. In order to alleviate the negative impact, the Fire Department recommends that all residential structures be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.

With regard to police service, staff of the Growth Policy and Public Facilities Planning Section concluded that the existing county police facilities in District III-Landover are adequate to serve the proposed development.

(4) To guide the orderly growth and development of the county,

while recognizing the needs of agriculture, housing, industry, and business;

The elderly housing development will satisfy a need for elderly housing in the county.

(5) To provide adequate light, air and privacy;

The architecture has been designed to provide adequate light, air and privacy for each apartment unit. In addition, a large green area with ample space for recreational purposes has been provided to the rear of the building. A privacy fence has been provided around the rear yard with landscaping for screening purposes and for shade.

(6) To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;

There will be beneficial relationships between the proposed elderly housing development and adjoining development. Elderly residents will be able to shop in the adjacent shopping center and interact with the existing Boys and Girls Club, operated by M-NCPPC. There is also a park across Barlowe Street that elderly residents can use. A landscape bufferyard will be provided between the adjacent existing residential development and the subject property.

(7) To protect the county from fire, flood, panic, and other dangers;

The applicant has indicated that the apartment housing will be designed and constructed in compliance with all applicable fire codes and regulations. The Environmental Planning Section, in a memorandum dated December 20, 2001(Markovich to Wagner), has indicated that there are no streams, wetlands, 100-year floodplain or woodlands existing on the subject property, and that there are no adverse noise impacts from off-site noise sources.

(8) To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all county residents;

In the statement of justification, the applicant has indicated that the

proposed apartments for the elderly will provide affordable housing in a clean, healthy living environment.

- (9) **To encourage economic development activities that provide desirable employment and a broad, protected tax base;**

In the statement of justification, the applicant has indicated that the proposed apartment housing for the elderly will create jobs during and after the construction phase of the development.

- (10) **To prevent the overcrowding of land;**

The proposed density of the development is less than that allowed by the Zoning Ordinance. Additionally, the site plan has been designed to provide ample outdoor area for recreational purposes.

- (11) **To lessen the danger and congestion of traffic on the streets and to ensure the continued usefulness of all elements of the transportation system for their planned functions;**

As indicated in purpose No.3. above, the net impact of the application would reduce traffic in the immediate area.

- (12) **To ensure the social and economic stability of all parts of the county;**

Victory Housing, along with the Prince George's County Department of Housing and Community Development, have made a long-term commitment which will contribute to the social and economic stability of the county.

- (13) **To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;**

As mentioned above in purpose No.7, there are no streams, wetlands, 100-year floodplain, or woodlands existing on the subject property, and there are no adverse noise impacts from off-site noise sources.

- (14) **To provide open space to protect scenic beauty and natural features of the county, as well as to provide recreational space;**

Adequate open space and recreational area has been provided for the development.

- (15) **To protect and conserve the agricultural industry and natural resources.**

Not applicable.

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

The subject property is in the C-S-C Zone, which permits elderly housing as a Special Exception use. With the recommended conditions, the proposed elderly housing development is in conformance with all 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.**

The Community Planning Division has indicated by memorandum dated January 9, 2002 (Osei to Wagner), that the proposal will not substantially impair the integrity of the Master Plan.

The Master Plan recommends that housing within Landover provide for changing lifestyles: single people, childless couples, households with families, residents looking for upscale housing, and retired and elderly. The proposed apartments for the elderly will provide housing for elderly residence that want to remain in the area.

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

The proposed elderly housing project will be one part of the revitalization of the entire existing shopping center. The plans require the removal of part of the shopping center to accommodate the new elderly housing building. The remaining portion of the shopping center, outside the limits of the special exception, will also be renovated. The new elderly housing apartment development, as well as the renovated shopping center, will revitalize the area and will not adversely affect the health, safety or welfare of the present and future inhabitants of the county.

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

The proposed elderly housing development will not be a detriment to the general neighborhood or to the use of adjacent properties because it will provide a new, attractive building with affordable apartments for the elderly. Together with the renovation of the shopping center, the entire site will become an asset to the community.

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

According to the Environmental Planning Section, the site is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there is less than 10,000 square feet of existing woodland on the site.

CONCLUSION:

Based on the preceding analysis and findings, it is recommended that SE-4450 and AC-01055 be APPROVED, subject to the following conditions:

1. Prior to the issuance of permits, the site and landscape plans shall be revised in accordance with the Planning Director's recommendation for conditional approval of AC-01055.
2. All residential structures shall be fully sprinklered in accordance with National Fire Protection Association Standard 13D and all applicable Prince George's County laws.