

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. 4459 (VSE-4459)

Application	General Data
Project Name  Heartland of Hyattsville	Date Accepted 12/13/01
	Planning Board Action Limit N/A
	Tax Map & Grid 041 C-2
Location  Northeast corner of Truman Road and Riggs Road, known as 6500 Riggs Road.	Plan Acreage 3.73
	Zone R-55
	Dwelling Units N/A
Applicant  Health Care & Retirement Corporation of America C/O Manor Care, Inc. 7361 Calhoun Place Suite 300 Rockville, Maryland 20855	Square Footage N/A
	Planning Area 65
	Council District 02
	Municipality None
	200-Scale Base Map 208NE2

Purpose of Application		Notice Dates	
SE-4459 - Nursing Home in the R-55 Zone  VSE-4459 - Variance for lot size and building setback		Adjoining Property Owners (CB-15-1998)	12/20/01
		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: Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
VSE-4459 (in part)	SE-4459	VSE-4459 (in part)	

March 6, 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: Tom Lockard, Senior Planner

SUBJECT: **Special Exception Application No. 4459**  
**Variance in Association with Special Exception Application No. 4459**

REQUEST: **SE-4459 : Nursing Home in the R-55 Zone**  
**VSE-4459 : Variance for Lot Size and Building Setback**

RECOMMENDATION: **SE-4459 : APPROVAL, subject to conditions**  
**VSE-4459 : APPROVAL, in part; DENIAL in part**

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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 located on the northeast corner of Riggs and Truman Roads. It is developed with a one-story, brick building occupied by a nursing home. The building is L-shaped and is located toward the front of the parcel. A well-cared lawn is found close to the building. Wooded land falls toward a stream that parallels the right-of-way of Raydale Road, to the east.
- B. History: SE-855 for a nursing home was approved by the District Council on February 12, 1963. SE-1021 was approved by the District Council on April 17, 1964, adding 1.23<sup>1</sup>/<sub>4</sub> acres of adjacent land to the north. The present nursing home was built several years later. SE-3741 was approved on April 27, 1987, affirming that the existing nursing home use permitted up to 150 beds. The 1989 *Sectional Map Amendment for Langley Park-College Park-Greenbelt* retained the site in the R-55 Zone.
- C. Master Plan Recommendation: The 1989 *Master Plan for Langley Park-College Park-Greenbelt* recommends the site be used for a public/quasi-public use.
- D. Request: The applicant is seeking permission to expand an existing nursing home from its present 150 beds to 177 beds. A new two-story addition would be built to the north along Truman Road to house the new units. In addition, a new 22-space parking lot and bioretention area are shown to the northeast of the proposed addition.
- E. Neighborhood and Surrounding Uses:

The site is surrounded by the following uses:

North: Undeveloped wooded land, a church and a Verizon Company Building in the R-55 Zone.

East: Telephone Company building in the R-55 Zone.

South: Across Riggs Road is a K-Mart and a Pizza Hut in the C-S-C Zone.

West: Single-family detached dwellings fronting Truman Road in the R-55 Zone

The neighborhood is defined by the following boundaries:

Northwest: New Hampshire Avenue

Northeast: East-West Highway

Southeast: Sargent Road and Riggs Road

Southwest: Eastern Avenue

This is the same neighborhood as was accepted in SE-3741. It is primarily residential with commercial development at the intersection of the roads within the neighborhood. Across Riggs Road is a small commercial center. The adjoining single-family dwellings along Truman Road are for the most part well maintained and are at a slightly higher elevation than the nursing home.

F. Specific Special Exception Requirements: Section 27-364-Nursing or Care Home:

(a) **A nursing or care home may be permitted, subject to the following:**

\* \* \* \* \*

(6) **Nursing or care home in all other zones where this use is permitted by Special Exception, where eleven (11) or more persons are cared for:**

(A) **Total area - . acre, plus 1,000 contiguous square feet for each person cared for above 10;**

Finding: At 177 beds, the required area for the site is 4.33 $\nabla$  acres. The subject property is 3.73 $\nabla$  acres. The applicant is seeking a variance of 0.6 acre from this requirement.

(B) **Street frontage - 150 feet;**

Finding: The subject property has a total of 853 $\nabla$  feet of frontage, far exceeding the minimum requirement.

(C) **Setback - 25 feet from all boundary lines of the Special Exception.**

Finding: The new addition has a 13-foot setback from the western property line, the applicant is seeking a variance of 12 feet from this requirement.

G. Parking Regulations: A total of 59 parking spaces are required for the proposed 177-bed nursing home. The site plan shows 76 parking spaces. The spaces in the existing parking lot along Riggs Road are shown to be a combination of substandard-sized spaces and compact spaces. Because the site was developed prior to 1970, SE-3741 was approved with all regular parking spaces grandfathered at 9 feet by 22 1/4 feet. Unless the parking spaces continue to be shown in this grandfathered configuration, the parking lot must conform to current design standards (Part 11), as well as the requirements of the *Landscape Manual*. In addition, the parking for the handicapped are substandard in size. They must meet current ADAAG requirements including one 16-foot-wide, van-accessible space.

H. Landscape Manual Requirements: The applicant's proposal represents more than a ten percent increase in the existing gross floor area of the existing building. Therefore, the application is subject to Section 4.2 (Commercial and Industrial Strip) and 4.7 (Buffering Incompatible Uses) of the *Landscape Manual*. Section 4.2 requires a ten-foot-wide strip containing a minimum of one shade

tree and ten shrubs per 35 linear feet of frontage. The site plan should be revised to show this level of landscaping. Section 4.7 requires a 20-foot-wide building setback and a 10-foot-wide landscaped strip with 40 plant units per 100 linear feet of property line. Most of the property line is undisturbed woodlands which exceed the requirement. However, there is one small area north of the proposed bioretention area that does not. The site plan should be revised to meet this requirement.

- I. Zone Standards and Need for Variances: The development proposal meets the requirements of the R-55 Zone. As previously mentioned, the applicant is seeking variances from Section 27-364(a)(6)(A) and (C), the minimum area and setback requirements for nursing and care homes, respectively.

(a) **A variance may be only granted when the board of appeals finds that:**

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

Finding: The subject parcel has extraordinary topographic conditions compared to other properties in the neighborhood. There is a 30-foot drop in elevation from the southwest corner in front of the existing nursing home to the wooded northeast corner of the site. This change in elevation limits the area available for development.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

Finding: In the case of the required 25-foot setback, it is the design of the applicant's building addition that makes the variance necessary. There is ample room on the site to meet the 25-foot setback by simply moving the addition back so that its face is in line with the existing building. While this may result in an off-set in the addition's central corridor, there are similar joists elsewhere in the existing building. Apparently they have not been a problem in the many decades that this use has existed.

The lot area requirement for nursing homes acts to ensure that the development remains compatible with surrounding properties, particularly when those properties are developed with residential uses. In this case, a variance of .6 acre (26,310 square feet) is needed from the minimum total area requirement. The subject nursing home is surrounded on two sides by institutional uses, a church and a public utility building. Slightly farther to the north and east is undeveloped woodland. The net effect of these three adjoining uses and the additional wooded area is a fairly open, institutional campus-like setting.

The relatively small addition proposed by the applicant, if modified to meet the 25-foot setback, would not have a detrimental impact upon this setting, adjoining properties, or the neighborhood. In addition, it would appear that the minimum lot

area requirement serves no real purpose in this instance. Furthermore, holding to the strict application of the requirement would result in a practical difficulty to the applicant; it would effectively prevent a reasonable expansion of the facility to an extent where compatibility with surrounding properties and conformance with all other requirements, regulations, and standards of the Zoning Ordinance have been clearly demonstrated.

**(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

Finding: The proposed variance will assist in furthering the integrity of the 1989 Master Plan and the General Plan. The site has been proposed for nursing home development, and it is recognized in the Master Plan that an increasing elderly population will require more facilities than currently exist. The Master Plan, in fact, envisioned the property to the north being developed as elderly housing. However, it was developed with a church building. In addition, the proposed building makes use of an existing site to meet a need in the community.

- J. Sign Regulations: The site plan does not show any free-standing signs on the property. If one is anticipated, it must be shown.
- K. Other Issues: In their referral reply dated January 8, 2002, the Permit Review Section (M-NCPPC) noted several revisions that must be made to the site plan:
1. Screening of the existing loading space from Truman Road should be demonstrated in accordance with the previously approved special exception site plan.
  2. The height of all existing fences must be provided.
  3. The site data chart must be revised to correct the required side and rear setbacks to reflect 25 feet as required by Section 27-364 of the Zoning Ordinance, not the requirements of the R-55 Zone. The variance request should also be indicated in this chart.
  4. If the new parking lot is to be used at night, adequate lighting must be provided.
  5. The site plan appears to indicate that a portion of the required bufferyard along the east property line is being provided on the adjacent property even though the site plan indicates existing woodlands along this entire property line on the subject property. This must be clarified. A required bufferyard can only be located on an adjacent property if it is an existing bufferyard required by the *Landscape Manual*. If this is the case, a copy of the approved landscape plan for the adjacent property must be submitted as part of this proposal to demonstrate compliance. Otherwise, the entire bufferyard must be provided on the subject property or alternative compliance will be required.
  6. Separate schedules for Section 4.7 should be provided for north and east property lines.

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.**

Finding: The purposes of zoning are many and varied, but can generally be characterized as protecting the health, safety and welfare of the present and future citizens of the county by promoting beneficial land use relationships. The applicant's proposal will do so by providing an increasingly necessary use (nursing care) in a way that is part of a long-existing use which has been shown to be compatible with the surrounding residential neighborhood.

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

Finding: With few exceptions, the proposal meets the requirements and regulations of the Zoning Ordinance. In those instances where it does not, a variance and minor conditions are recommended to ensure conformance.

- (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.**

Finding: The proposed use will not substantially impair the 1989 *Master Plan for Langley Park-College Park-Greenbelt* which recommends a public/quasi-public use for the property. In fact, this use will further that recommendation.

- (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.**

Finding: Special exception uses are those uses which are deemed compatible in the specific zone in which they are allowed, absent site-specific evidence to the contrary. In the subject case, adverse impacts to adjacent properties and the health, safety and welfare of residents and workers in the area are not apparent. The applicant simply wishes to continue nursing care at this site in response to the changing needs of the community, commensurate with their ability to expand.

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

Finding: The site is exempt from this requirement. A letter of exemption, dated October 4, 2001, was issued because the proposed development does not have 10,000 square feet of woodland, and the site does not have a previously approved Tree Conservation Plan.



## CONCLUSION:

The applicant has met its burden of proof in this application. Therefore, staff recommends:

**SE-4459 :** APPROVAL, subject to the following conditions:

1. Prior to the issuance of permits, the site plan shall be revised to show:
  - a. Screening of the existing loading space from Truman Road shall be demonstrated in accordance with the previously approved special exception site plan.
  - b. The height of all existing fences must be provided.
  - c. The site data chart shall be revised to correct the required side and rear setbacks to reflect 25 feet as required by Section 27-364 of the Zoning Ordinance, not the requirements of the R-55 Zone. The variance request should also be indicated in this chart.
  - d. If the new parking lot is to be used at night, adequate lighting shall be shown.
  - e. Separate schedules for Section 4.7 shall be provided for north and east property lines.
  - f. The bufferyard along the east property line shall be shown within the subject property.
  - g. The front parking lot shall be shown in its grandfathered configuration, or redesigned to meet current design standards.
  - h. The parking for the handicapped shall be shown to meet current ADAAG requirements.
  - i. Landscaping shall be provided in accordance with Sections 4.2 and 4.7 of the *Landscape Manual*.
2. The addition shall be moved back to meet the 25-foot setback requirement.

**VSE-4459 :** DENIAL of a variance of 12 feet from the 25-foot setback requirement of Section 27-364(a)(6)(A)

APPROVAL of a variance of 0.6 acre from the minimum lot area requirement of Section 27-364(a)(6)(C)