



# Special Exception Application

## Revision of Site Plan

## Variance

**SE-4555**  
**ROSP-4084/6**  
**VSE-4084/6**

Application	General Data
<b>Project Name:</b> Carroll Manor Day Care Center  <b>Location:</b> West side of 19 <sup>th</sup> Avenue, at its intersection with Chillum Road, known as 4922 LaSalle Road.  <b>Applicant/Address:</b> Heritage Care, Inc. 4922 LaSalle Road Hyattsville, Maryland 20782	Date Accepted: 1/5/06
	Planning Board Action Limit: N/A
	Plan Acreage: 30.4
	Zone: O-S, R-55
	Dwelling Units: 433
	Square Footage: 1,327,539
	Planning Areas: 65, 68
	Tier: Developed
	Council District: 02
	Municipality: N/A
	200-Scale Base Map: 206NE02

Purpose of Application	Notice Dates
Day Care Center for Children (54)  ROSP-4084/06—New drop-off circle, a porte cochere, 72 additional parking spaces, a 41-space surface parking lot, new emergency power generator, new elevator shaft, small canopy, additional landscaping, and reallocating 20 existing nursing home beds.  VSE-4084/06—Increase 78-foot variance to 88-foot variance for parking compounds to meet the 100-foot setback requirement.	Adjoining Property Owners 10/12/05
	Previous Parties of Record Registered Associations: (CB-12-2003) 10/12/05
	Sign(s) Posted on Site and Notice of Hearing Mailed: N/A

Staff Recommendation		Staff Reviewer: Kendra Wright	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

March 29, 2006

**TECHNICAL STAFF REPORT:**

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

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Kendra C. Wright, Senior Planner

SUBJECT: **Special Exception SE-4555**  
**Revision of Site Plan (Minor Change) Special Exception ROSP-4084/06**  
**Variance in Association with ROSP-4084/06**

REQUEST: **SE-4555:** Special exception for addition of a day care center for children to an existing medical/residential campus in the O-S Zone

**ROSP-4084/06:** Add a new drop-off circle, a porte cochere, 72 additional parking spaces, a 41- space surface parking lot, a new emergency power generator, a new elevator shaft, a small canopy, additional landscaping, and 20 beds for physical rehabilitation

**VSE-4084/06:** Increase 78-foot variance to 88-foot variance for parking compounds

RECOMMENDATION:	<b>SE-4555:</b>	<b>APPROVAL WITH CONDITIONS</b>
	<b>ROSP-4084/06:</b>	<b>APPROVAL WITH CONDITIONS</b>
	<b>VSE-4084/06:</b>	<b>DISAPPROVAL</b>

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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. 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 others should be directed to the Development Review Division at 301-952-3530.

## FINDINGS:

- A. **Location and Field Inspection:** The subject property, known as 4922 LaSalle Road, is located on the west side of 19<sup>th</sup> Avenue, south of MD 501 (Chillum Road) near the District of Columbia. The site is an existing medical/residential campus known as Carroll Manor. It is developed with several buildings and amounts to 30.476± acres. The area of the St. Thomas More building, the building where the day care will be added, is 7.12± acres on Parcel C. Access to the building is via a driveway leading to LaSalle Road as well as an entrance on 19<sup>th</sup> Avenue.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	O-S, R-55	O-S, R-55
Use(s)	Medical residential campus	Addition of day care center for children to existing use
Acreage	30.476	7.1164
Parcel(s)	C	C
Square Footage/GFA	2,400	2,400
Dwelling Units:		
Attached	433	433

### Other Development Data:

Carroll Manor began as a residential and comprehensive nursing care facility for the aged and infirm with some units devoted to retired clergy. The entire campus is 30.476± acres mostly in the O-S Zone. About 4± acres are located in the R-55 Zone. As approved, the medical/residential campus consists of six buildings and contains a variety of medical and administrative offices, recreational space, patient care facilities, and a total of 433 residential units. Two hundred forty-two of these units are located within the St. Thomas More Nursing Home and Rehabilitation Center. The proposed changes under these two special exceptions are confined to the St. Thomas More Nursing Home and Rehabilitation Center portion of the medical/residential campus, which is now owned by a separate party. This area covers about 7.11 acres.

Chillum Road is a state-maintained roadway; therefore, coordination with the Maryland State Highway Administration is required. Nineteenth Avenue is a county-maintained urban roadway; right-of-way dedication and frontage improvements in accordance with Department of Public Works and Transportation's (DPW&T) urban residential road standards are required.

- C. **History:** Carroll Manor was established on September 15, 1954, through the District Council's approval of SE-203 for a "care home." SE-203 was revised on December 3, 1981, to add a 1,148-square-foot freezer. Carroll Manor Medical/Residential Campus was established on April 2, 1993, for a 30.476±-acre campus in the O-S and R-55 Zones. This special exception allowed the expansion of community care facilities provided by the existing Carroll Manor Nursing Home and the St. Ann's Infant and Maternity Home. Parcel C and the northeastern portion of Parcel F were retained in the O-S Zone by the May 1994 sectional map amendment for Planning Area 68. The southwest portion of Parcel F that is part of the campus was retained in the O-S Zone by the May 1990 sectional map amendment for Langley Park-College Park-Greenbelt. SE-4084 was originally approved with a development program including: a new 220-bed nursing home; the

conversion of the existing home into a 119-unit independent elderly living facility; a 62 unit independent elderly living facility; a 32-unit congregate living facility for the semi-independent elderly; an eight-unit housing facility for unwed mothers and their children; and the St. Ann's Infant and Maternity home.

SE-4084 has since been approved for five revisions. On January 13, 1997, the applicant received approval of the first revision to revise the southeastern-most driveway from 19<sup>th</sup> Avenue to LaSalle Road, add parking spaces to serve the St. Thomas More and Malta House buildings, add a chapel to the Malta House, and add pedestrian improvements and landscaping in the courtyard. The second revision on September 8, 1997, deleted the 220-bed nursing home and replaced it with both an 88-unit independent, low-income, elderly living facility and a 242-bed nursing home use in building B. The third revision, on January 6, 2000, converted the wellness center at the Malta House to a dwelling unit, thereby increasing the number of dwelling units at the Malta House to 33. The fourth revision was approved on February 24, 2003, for conversion of 3,400 square feet of space to be converted to medical offices and a dialysis clinic. The fifth revision, on April 29, 2005, was for the addition of a generator at the Malta House.

The applicant is currently proposing a sixth revision to SE-4084 in addition to the request for the addition of a day care center for children. The revisions to the existing site plan are for the addition of a new drop-off circle, a porte cochere, 19 additional parking spaces on the east side of the building, 53 additional parking spaces along the north access road and western portion of the site, a 41-space surface parking lot in northwestern corner to serve nursing home, a new emergency power generator, a new elevator shaft, a small canopy, additional landscaping, and the reallocation of 20 existing nursing home beds to 20 beds for physical rehabilitation. The two are separate, because a day care center is not a standard accessory use under a medical/residential campus special exception.

- D. **Master Plan Recommendation:** The approved and adopted 1994 master plan and sectional map amendment for Planning Area 68 retained the public/quasi-public land use recognizing the Carroll Manor Nursing Home and the Saint Ann's Infant and Maternity Home that existed at the time of the master plan. Special Exception 4084 for an expanded medical/residential campus was approved in April 1993.
- E. **Request: SE-4555:** The applicant seeks to operate a day care for 54 children in the St. Thomas More Nursing Home and Rehabilitation Center located in the O-S Zone, which requires grant of a special exception. The day care will be located in the basement of the southwestern wing of the building below a chapel, and the nursing home will continue to operate in the remainder of the building. The day care center will be approximately 2,416 square feet in size and will contain six classrooms of 297 square feet each. The enrollment will be limited to children of employees of the campus. The ages of children will range from infants to five year olds. Space within the day care center will be segregated by age. The center will operate from 7:00 A.M. to 7:00 P.M.

**ROSP-4084/06:** The applicant also seeks to develop a new drop-off circle, a porte cochere (canopy extending from building entrance), and 19 additional spaces on the east side of the building. The applicant also seeks to develop 53 additional parking spaces in various locations along the north access road and within the existing parking areas on the west side and develop a 41-space surface parking lot in the northwestern corner of Parcel C to also serve the nursing home. The applicant seeks to enlarge or replace the emergency power generator near the northeastern wing of the building, add a new elevator shaft to the exterior of the building face, and add a small canopy onto the central wing of the building for the dialysis center. The applicant also seeks to add landscape improvements and screen planting along 19<sup>th</sup> Avenue.

Finally, the applicant also wishes to reallocate 20 beds from nursing home use to physical rehabilitation use. The applicant wishes to make a total of 11 changes.

**VSE 4084/06:** The applicant also seeks to decrease the amount of setback from 22 feet to 12 feet between a paved area and the property line adjoining residentially zoned land. A variance is requested to increase the existing 78-foot variance by 10 feet to an 88-foot variance in order to provide additional parking.

- F. **Neighborhood and Surrounding Uses:** The subject property is located in the Avondale community. The neighborhood is bounded by Jefferson Street, 15<sup>th</sup> Avenue and Chillum Road on the north; 19<sup>th</sup> Avenue and LaSalle Road on the east; the District of Columbia line on the south and Sargent Road on the west. The uses surrounding the property include the Michigan Park Hills Garden Apartments and neighborhood playground in the R-18 (Multifamily Medium Density Residential) Zone on the north. Single-family detached houses in the R-55 Zone are to the east across 19<sup>th</sup> Avenue. To the south of the St. Thomas More Building are the Congregate Housing (Malta House), the remaining portion of the Carroll Manor Medical/Residential Campus, and the Avondale neighborhood park. To the southwest is a federally owned parkland strip known as the Fort Drive Project—U.S. Reservation No. 451. To the west are the LaSalle apartments.
- G. **Specific Special Exception Requirements:** Section 27-348.01 provides the following specific requirements regarding the size and operation hours of an outdoor play area for a daycare center.

**Section 27-348.01: Day care center for children.**

(a) **A day care center for children may be permitted, subject to the following:**

- (1) **The District Council may specify the maximum number of children to be enrolled, which may not be increased by State or local health, education, or fire regulations;**

The applicant is proposing an enrollment of 54 children.

- (2) **An ample outdoor play or activity area shall be provided, in accordance with the following:**

- (A) **All outdoor play areas shall have at least seventy-five (75) square feet of play space per child for fifty percent (50%) of the licensed capacity or seventy-five (75) square feet per child for the total number of children to use the play area at one (1) time, whichever is greater;**

Based on the above standard, with an enrollment of 54 children, this play area must be at least 2,025 square feet in order to accommodate 27 children at one time (i.e., 50 percent of 54 children). The site plan indicates that the outdoor play area is proposed to be 7,510 square feet in area. Therefore, the proposed outdoor play area exceeds the requirement.

- (B) **All outdoor play areas shall be located at least twenty-five (25) feet from any dwelling on an adjoining lot, and shall be enclosed by a substantial wall or fence at least four (4) feet in height;**

According to the site plan, the outdoor play area is enclosed on three sides by the exterior walls of the building. The fourth side will enclose the area with an existing brick wall and four-foot chain link fence. The height of the brick wall is not provided on the site plan. The wall shall be at least four feet in height. Also, while the play area is currently large enough to accommodate 54 students at one time, staff finds this number of children to be potentially excessive depending on the proximity to nursing home patients. Thus, staff recommends the number of children utilizing the play area be limited to 27 children at one time. A revised site plan shall be submitted showing the height of the brick wall. The outdoor play area is buffered from adjoining property by existing buildings, trees and topography.

- (C) A greater set back from adjacent properties or uses or a higher fence may be required by the District Council if it determines that it is needed to protect the health and safety of the children utilizing the play area;**

The outdoor play area is bound by walls that, when properly maintained, will serve as a safe location for the children.

- (D) Any off-premises outdoor play or activity area shall be located in proximity to the day care center, and shall be safely accessible without crossing (at grade) any hazardous area, such as a street or driveway;**

The outdoor play area is located in a courtyard accessed directly from a door from the interior of the center.

- (E) The play area shall contain sufficient shade during the warmer months to afford protection from the sun;**

The play area will contain a patio with canopy for shade in addition to several existing trees.

- (F) Sufficient lighting shall be provided on the play area if it is used before or after daylight hours to insure safe operation of the area; and**

The play area will not be utilized before or after daylight hours. A note must be added to the site plan indicating that the play area will not be used before or after daylight hours.

- (G) Outdoor play shall be limited to the hours between 7 A.M. and 9 P.M.;**

The site plan notes that the hours of outdoor play will be limited to the hours between 7 a.m. and 7 p.m.

- (b) In addition to the requirements of Section 27-296(c), the site plan shall show:**

- (1) The proposed enrollment;**
- (2) The location and use of all buildings located on adjoining lots; and**

(3) **The location and size of outdoor play or activity areas.**

The site plan demonstrates compliance with the provisions.

**Section 425: Sec. 27-425. O-S Zone (Open Space).**

(a) **Purposes.**

**The purposes of the O-S Zone are:**

(A) **To provide for low density and development intensity as indicated on the General or Area Master Plans; and**

The proposed use will not alter the open space or the development character of the surrounding area. The intensity will increase during the hours of operation.

(B) **To provide for areas which are to be devoted to uses, which preserve the County's ecological balance and heritage, while providing for the appropriate use and enjoyment of natural resources.**

The property is already developed and the proposed use does not introduce factors that will affect the ecological balance or heritage.

(2) **The use of the O-S Zone is intended to promote the economic use and conservation of agriculture, natural resources, residential estates, nonintensive recreational uses, and similar uses.**

The proposed use will be located in an existing building that was originally approved as part of the existing medical/residential campus. The proposed day care center will not detract from the conservation of agriculture, natural resources, residential estates, or other.

- H. **Parking Regulations:** Pursuant to Section 27-568, the parking requirements for a day care center delineate one space for every eight children. The applicant proposed a maximum of 54 children. Therefore, a total of seven spaces are required. The site plan indicates that nine spaces will be provided to serve the day care center. The proposed area of the St. Thomas More property currently provides 96 parking spaces. There is a discrepancy on the site plan as to the number of parking spaces to be provided on the property. The number of spaces in the area indicates both 208 and 256 spaces. This shall be corrected on a revised site plan. Per Section 27-554 of the Zoning Ordinance, all parking lots must be surfaced in a manner as to be dust-free.
- I. **Landscape Manual Requirements:** The proposed use does not require the construction, enlargement, or extension of a building, per Section 27-328.02, Landscaping, Buffering, and Screening. However, staff recommends the requirements of the Prince George's County *Landscape Manual* (Section 4.3) should be imposed in regard to the proposed parking compound.
- J. **Zone Standards:** The proposed use is in the O-S Zone. The use meets the height and bulk requirements for this zone. No variances are required.

- K. **Sign Regulations:** No signage for the proposed day care has been included in the plans. Staff recommends modest signage for identification and direction purposes. A separate sign permit must be issued in order for any sign to be erected.
- L. **Other Issues:** According to DPW&T, full-width two-inch mill and overlay for all county roadway frontages is required. Any damaged paving, curb and gutter, and sidewalk are to be replaced in accordance with county standards. Conformance with DPW&T street tree and street lighting standards is required. Lighting upgrades may be required. All storm drainage systems and facilities are to be in accordance with DPW&T and the Department of Environmental Resources' requirements.
- 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.**

With the recommended conditions of approval, the proposed use and site plan are in harmony with the purposes of the Zoning Ordinance. The purposes of the Zoning Ordinance seek generally to protect and promote the health, safety, morals, comfort, convenience, and welfare of inhabitants of the county. The proposed day care will provide a safe environment and a convenient location for the children of the employees to learn and grow. The subject property is currently developed with a medical/residential campus pursuant to Special Exception 4084 and its revisions.

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

The proposed day care center for children is in conformance with the requirements and regulations of the Zoning Ordinance in regard to the uses permitted by special exception in the O-S and R-55 Zones. However, the proposed day care center for children is not in conformance with the previous conditions of approval attached to the original special exception (SE-4084) and its revisions.

SE-4084 was originally approved for residents with a minimum age of 50 years, except for mothers and children serviced by St. Ann's Infant and Maternity Home and their special programs for young mothers. St. Ann's was not considered a part of the campus, because it served a different purpose. Additionally, because it is a separate entity serving a unique purpose and confined to only one part of the property serving a charitable purpose, that part of the proposal was approved.

On January 22, 1997, the District Council approved amendments to ROSP-4084. However, the request for the addition of a day care center for children for 40 students was denied. The request was to locate the center in the Manor Apartment complex for independent elderly housing to be operated by and in conjunction with the programs of St. Ann's. The proposed request was to serve in-house clients, the surrounding community, and employees. The outdoor play area was to be an existing playground. According to the Zoning Hearing Examiner (ZHE), "all uses on site must primarily serve the needs of the retirement-aged community, not the infant day care needs of the community." It was concluded that by definition, a day care center for children cannot



meet the use definitions or the purposes and standards of Section 27-374(a)(3)(A) and primarily serve the needs of the retirement-aged community.

While the day care center will not impair the medical/residential use, the addition of the day care center for children does not further the purpose of primarily serving the retirement-aged community. According to the ZHE in SE-4084, two special exceptions may be placed on the same property as long as the requirements of the Zoning Ordinance for both are met and they can be found compatible. The day care center will not directly contribute to the primary purpose of serving the retirement-aged community, yet it will indirectly contribute by providing a convenience to those that serve the community. By limiting the enrollment to children of employees, the proposed day care center use is unlike the request that was previously denied.

Staff notes that the applicant has also requested a variance from the 100-foot setback requirement for parking lots in Section 27-314. The applicant has not provided a persuasive argument for the findings required for a variance in Section 27-230. Variances were granted for the parking area in six prior revisions to this site plan. Staff believes that while a denial of the subject variance request would prohibit the additional parking proposed, adequate parking could be provided with the previously approved variance.

**(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 proposed day care center for children will not impair the integrity of the 1994 Master Plan for Planning Area 68, which recognizes the existing use of the subject property. The addition will not significantly change the nature of the property.

A day care center for children is designated as a use permitted by special exception in the O-S Zone. Upon meeting the conditions of approval, the proposed day care will not be expanded or modified and will not change the character of the neighborhood. With the recommended conditions, the proposed use will be in conformance with all the applicable requirements and regulations of the Zoning Ordinance. The use and the proposed renovations will not impair the integrity of the master plan.

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

The proposed day care center does not require the construction, enlargement, or extension of a building. The site plan does not show the location of other uses within the building that the day care will be located in. According to the applicant, the space above the day care center will be utilized for medical offices. The uses that occupy the interior areas of the building that surround the play area shall not be adversely affected by its location. The applicant contacted the Avondale Civic Association and there were no objections to this proposal.

The health, safety, and welfare of adjacent property owners will not be adversely affected. The nearest adjoining residential lot is 500 feet away from the outdoor courtyard.

- (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 the neighboring areas. The proposed daycare center will only serve the employees of the medical/residential campus. The use will not, therefore, cause a significant amount of additional traffic to pass through the adjacent residential neighborhood.

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

The approved Tree Conservation Plan Type I (TCPI/52/92) has been amended to reflect the changes to the medical/residential special exception site plan proposed by this request and the revision to special exception application ROSP 4084/06.

**ROSP-4084/6:**

The applicant requests a revision to add a new drop-off circle, a porte cochere, 72 additional parking spaces, a 41-space surface parking lot, a new emergency power generator, a new elevator shaft, a small canopy, additional landscaping, and 20 beds for physical rehabilitation

**Minor Change Provisions:** Pursuant to **Section 27-374**, the following requirements apply to a Medical Residential Campus:

**Sec. 27-374. Medical/residential campus.**

- (a) A medical/residential campus for retirement-aged persons may be permitted, subject to the following:

**(1) General requirements.**

- (A) The campus shall primarily serve needs of the retirement-aged community. Age restrictions in conformance with the Federal Fair Housing Act shall be set forth in covenants submitted with the application and shall be approved by the District Council and filed in the land records at the time the final subdivision plat is recorded;**

The requests of the ROSP do not pose any changes to the service uses or age of the community primarily served on the campus.

- (B) The campus shall achieve a balanced residential/medical environment, which is unique to the neighborhood in which it is located, and which cannot be achieved through the use of conventional zoning proposals;**

The applicant is proposing 53 additional parking spaces to be located adjacent to existing residential development. Section 27.374 establishes a minimum setback of 100 feet from adjoining land in a residential zone. Staff believes the amount of additional parking may be excessive as it could further encroach upon residentially zoned land.

- (C) **Residences shall be functionally, physically, and architecturally integrated with service and recreational/activity centers;**

There will be no change in the location of residential units at the campus. The campus will continue to meet this requirement.

- (D) **Medical services (if any) shall be conveniently located for the residents; and**

There are no changes in the medical services to the residents of the Campus as part of this application

- (E) **Commercial or service-oriented uses shall be grouped together, and shall be located near the population being served.**

The proposed changes to the patient/visitor drop off area will be conveniently located to serve those entering the building.

**(2) Specific requirements.**

- (A) **The subject property shall contain at least twenty-five (25) contiguous acres;**

The subject property contains 30.4± acres. This proposal does not change the size of the medical/residential campus.

- (B) **The site shall have frontage on, and direct vehicular access to, an existing street with sufficient capacity to accommodate any traffic generated by the campus;**

- (C) **All buildings, structures, off-street parking compounds, and loading areas shall be located at least:**

- (i) **One hundred (100) feet from any adjoining land in a Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan;**
- (ii) **Fifty (50) feet from all other adjoining property lines (except street lines); and**
- (iii) **Twenty-five (25) feet from all adjoining street lines;**

As part of the April 12, 1993, approval of SE-4084 for the Carroll Manor Congregate Housing, the District Council granted the following variances to Section 27-374(a)(2)(C): A 50-foot variance to the building setback thereby allowing buildings within 50 feet of residentially zoned land; a 78-foot variance to parking compounds, which allows parking to be located within 22 feet of

residentially zoned land; and an 88-foot variance to loading access ways allowing loading access within 12 feet of residentially zoned land. In the companion variance request, the applicant is requesting an additional ten feet in the variance to the parking compounds.

- (D) All perimeter areas of the site shall be buffered or screened in accordance with the provisions of the Landscape Manual, and the applicant shall demonstrate that the required buffer yards will provide reasonable sight and sound barriers;**

The proposed improvements remove none of the existing perimeter landscaping and woodland buffers and do include new plantings.

- (E) Not less than forty percent (40%) of the site shall be devoted to green area;**

The applicant measured the site's green area for this revision and determined it to be 71.2 percent of the total site area. This amount exceeds the requirement.

- (F) Regulations concerning the height of structure, lot size and coverage, frontage, setbacks, density, and other requirements of the specific zone in which such campus is to be located, 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 development under a given Special Exception; and**

The Community Planning Section noted that the site plan does not provide elevations for the additions to the building (i.e., elevator shaft, porte cochere) that will be added to the side of the building facing 19<sup>th</sup> Avenue, which is across the street from single-family homes. Staff recommends that these additions should be made of the same materials as the primary structure and provide an aesthetic quality. The applicant proposed a new generator that would increase the footprint by 600 square feet, if approved. The applicant was not specific in the request to either reconstruct and enlarge the existing emergency power generator or to replace the new emergency power generator altogether. The applicant also did not provide any specific justification in regard to the need for changes to the generator or the addition of a new one. Only one of the two alternatives is recommended for approval.

- (G) Notwithstanding Section 27-118.1, more than one (1) dwelling may be located on a lot containing a one-family dwelling.**

This finding is not applicable on this campus.

- (H) Prior to approval of a Special Exception for a medical/residential campus for property for which a subdivision is not approved for the entire property in accordance with the proposed medical/residential campus site plan, the applicant shall demonstrate to the satisfaction**

of the Zoning Hearing Examiner or of the District Council that the entire development and use meet the following criteria:

- (i) **Transportation facilities (including streets and public transit) which are existing, which are under construction, or for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plans, or urban renewal plans;**
- (ii) **Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County Capital Improvement Program (such as public safety, recreation areas, water and sewerage systems, libraries, and fire stations, but excluding schools) will be adequate for the uses proposed; and**
- (iii) **Notwithstanding subparagraphs (i) and (ii), above, where the application anticipates a construction schedule of more than six (6) years, public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Zoning Hearing Examiner or the Council shall also find that public facilities will probably be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Zoning Hearing Examiner or the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.**

The entire property of the medical/residential campus is subdivided as Parcels “C” and “F” of the Carroll Manor Subdivision (Plat nos. 162/100 and 181/26 recorded on August 11, 1992, and September 2, 1997, respectively). The District

Council, in their original review of SE-4082, found that the medical/residential campus meets the above findings. The proposed revisions do not alter or impair the original findings.

**(3) Uses.**

- (A) Only those uses that appear on an approved site plan shall be permitted on the medical/residential campus. The District Council may only approve those uses which provide a harmonious, balanced mix of medical, residential, and limited commercial uses primarily serving campus residents, and public, quasi-public, and medical services for the off-campus retirement-aged community. Other uses may include (but need not be limited to) the following:**
- (i) Dwellings, nursing and care homes, and congregate living facilities for the elderly or physically handicapped;**
  - (ii) Medical facilities, including professional offices, laboratories, clinics, professional or paramedical training centers, and ambulatory care facilities. Business signs in conjunction with approved medical facilities shall be permitted in accordance with the provisions of Part 12 applicable to the C-O Zone;**
  - (iii) Retail commercial uses which are strictly related and subordinate to the residential/medical character of the campus and which directly serve the residents and employees of, or visitors to, the center, including retail uses similar to those in the C-A (Commercial Ancillary) Zone. The uses should be chosen to reflect their local orientation to the immediate campus vicinity and should be of a size and scope so as not to interfere with existing or proposed retail uses located in the off-campus area. Business signs in conjunction with retail commercial uses shall be permitted in accordance with the provisions of Part 12 of this Subtitle applicable to the C-A Zone; and**
  - (iv) Recreational and social uses, such as athletic facilities, community centers, and assembly halls, limited to use only by campus residents, employees, and guests.**

All the uses that currently compose the medical/residential campus have been previously approved. The proposal to add a daycare center for children is discussed in the first section of this report. The requests associated with ROSP-4084/06 do not alter the current uses on the property.

**(4) Site plan and other submission requirements.**

- (A) In addition to the requirements of Section 27-296(c), the site plan shall set forth:**

- (i) Existing and proposed topography at not more than five (5) foot contour intervals;
- (ii) Existing and proposed drainage patterns;
- (iii) Existing vegetation and other natural features; and
- (iv) Proposed provisions for sediment control and storm water management.

The special exception site plan and landscape plan submitted with this application meet the site plan requirements.

**(5) Addition of land.**

- (A) After the approval of a Special Exception, any addition of land to the campus shall be the subject of a new Special Exception application. The site plan accompanying the new application shall include the required information for both the previously approved campus and the proposed additional land. The approval of the new site plan shall nullify the previously approved site plan. The additional land shall be contiguous to an approved medical/residential campus, and may be less than twenty-five (25) acres.

This application does not propose to add any land to the Medical/Residential Campus.

**(6) Amendment of site plan.**

- (A) Notwithstanding other provisions of this Subtitle concerning the revision of site plans, requests to amend a site plan for a medical/residential campus shall only be approved by the District Council, and in accordance with this paragraph.
- (B) Requests to amend the approved site plan shall be filed concurrently with the Clerk of the Council and the office of the Planning Board. After receipt of the request by the Clerk, the Office of the Zoning Hearing Examiner shall schedule a public hearing, which shall occur not less than sixty (60), nor more than one hundred twenty (120), days after receipt of the request. The request shall be reviewed by the Technical Staff, taking into consideration the requirements of this Subtitle. The Technical Staff shall submit its recommendations to the Zoning Hearing Examiner within sixty (60) calendar days from the date of filing. The public hearing shall be conducted by the Zoning Hearing Examiner, in accordance with Section 27-129, at which time the applicant, Planning Board, Technical Staff, and members of the public may comment on the proposed amendments. The property shall be posted with a sign in the same manner as required for original applications. After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council. Any person of record

may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the District Council. If appealed, all persons of record may testify before the District Council. Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.

- (C) All amendments shall be in conformance with the purposes, regulations, and standards of this Section.
  - (i) The approved amended site plan shall become the official site plan, as if it had been approved as a part of the original application for a Special Exception.

The applicant submitted the application pursuant to this provision as an amendment to the approved site plan for the Carroll Manor medical/residential campus.

**VSE 4084/06**

The applicant wishes to increase 78-foot variance to 88-foot variance for parking compounds.

**Zone Standards and Need for Variances:** The applicant is seeking a variance from **Section 27-374(a)(2)(C)(i)**, the 100-foot minimum setback requirement. The request is to increase an existing 78-foot variance approved for parking compounds adjoining residentially zoned land to 88 feet, in order to create new parking spaces as close to 12 feet from the property line. The additional ten feet are need in order to accommodate the ROSP request to convert an existing driveway aisle into new spaces along the northernmost access road.

Section 27-374 states:

- (C) All buildings, structures, off-street parking compounds, and loading areas shall be located at least:
  - (i) One hundred (100) feet from any adjoining land in a Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan;

Pursuant to **Section 27-230** of the Zoning Ordinance:

- (a) A variance may be only granted when the District Council finds that:
  - (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;



The property is not exceptionally narrow, shallow, or peculiar in shape or topographical condition. Vehicular traffic has utilized the subject access road. The width and alignment will not increase.

- (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**

The strict application of this Subtitle will not result in peculiar and unusual practical difficulties to, or exceptional or undue hardship on, the owners of the property. The property meets the parking requirements without the additional spaces. The applicant claims that more parking is needed for the nursing home, because staff volunteers and visitor parking spills over into other parking lots on the campus. We note that the applicant is able to provide 60 additional spaces without the need for a variance.

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

The requested variance would not constitute a substantial impairment of the master plan, as an existing variance is in place.

The applicant has not provided justification for the need of the large amount of additional parking requested. The proposed additional parking, excluding the 53 spaces associated with this variance request, amounts to 60 additional spaces. While staff understands that parking for the nursing home is tight, this does not in our opinion constitute undue hardship. Generally, undue hardship refers to circumstances beyond one's control. The hardship in this case is self-imposed.

## **CONCLUSION:**

Based on the preceding analysis and findings, staff therefore recommends APPROVAL of SE-4555, subject to the following conditions:

1. Prior to the public hearing before the Zoning Hearing Examiner (ZHE), the applicant shall submit a revised site plan that:
  - a. Displays the height of brick wall;
  - b. Displays the number of students per space that conforms to the proposed enrollment;
  - c. Displays the correct foliage
  - d. Displays the correct number of spaces on the property and in the subject area, as well as the proposed number of spaces on the property and in the subject area
2. Submits locational information on the uses located within the St. Thomas More building to ensure that elderly residents will not be adversely impacted by the day care or its outdoor play area.
3. The applicant shall limit the enrollment of the day care center to employees of the Carroll Manor campus buildings only.

4. The applicant shall limit the number of students using the play area at one time to 50 percent of the enrollment.

**ROSP-SE-4084/06:** APPROVAL, subject to the following conditions:

1. The site plan shall provide elevations for the additions to the building
2. The proposed parking lot (53 additional parking spaces) that is proposed along the northern access shall either be redesigned to meet the setback established by the previous variance, or the parking area shall be eliminated.

**VSE-4084/06:** DISAPPROVAL