



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

SPECIAL EXCEPTION APPLICATION NO. 4603 (SE-4603)

Application	General Data
Project Name: VICTORY CREST Location: WEST SIDE OF SARGENT ROAD, APPROXIMATELY 118 FEET NORTH OF NICHOLSON STREET Applicant/Address: VICTORY CREST, INC. 5430 GROSVENOR LANE, SUITE #210 BETHESDA, MARYLAND 20814	Date Accepted: 7/2/2007
	Planning Board Action Limit: N/A
	Plan Acreage: 5.35
	Zone: R-18
	Dwelling Units: N/A
	Square Footage: 18,915
	Planning Area: 65
	Tier: Developed
	Council District: 02
	Municipality: N/A
	200-Scale Base Map: 207NE02

Purpose of Application	Notice Dates
APARTMENT HOUSING FOR THE ELDERLY, 60-UNIT, 3-STORY BUILDING	Adjoining Property Owners Previous Parties of Record Registered Associations: 4/2/2007 (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: N/A

Staff Recommendation		Staff Reviewer: Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
		X	

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

October 31, 2007

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: Tom Lockard, Planner Coordinator

SUBJECT: **Special Exception Application No. 4603**

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

RECOMMENDATION: **DISAPPROVAL**

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 property is located on the west side of Sargent Road, 118 feet north of its intersection with Nicholson Street. It comprises approximately 5.35 acres of land carved out from the Rollingcrest Commons Retirement Community. Rollingcrest Commons was approved by the District Council as Special Exception Application No. 3846 on July 26, 1988. It contains 140 apartment units. The terrain is generally rolling, with several areas of steep slopes. There are no streams, wetlands or 100-year floodplain on site. The property has frontage on the west side of Sargent Road and will gain access via the northernmost of two existing driveways for Rollingcrest Commons.

B. **Development Data:**

	Existing	Proposed
Acreage	5.35	5.35
Zone	R-18	R-18
Use	Vacant portion of planned retirement community	Apartment housing for the elderly or physically handicapped
Dwelling Units	0	60 MFD
Lot Coverage	0%	30%
Green Area	100%	70%
Parking Spaces	N/A	46
Loading Spaces	N/A	1
Main Buildings	N/A	1
Maximum Building Height	N/A	46 feet

- C. **Other Development Data:** The development is proposed to include one 3-story apartment building with elevators. The maximum height of the building is 46 feet. The proposed building would contain 60 one-bedroom units, of which six would be accessible. There are surface parking spaces shown in front of the proposed apartment building.

Overall site density is 11.65 dwellings per acre. Proposed lot coverage (buildings, parking and driveway areas) will cover 30 percent (2.04 acres) of the site. The site requires a minimum of 40 parking spaces and the applicant proposes 46.

- C. **History:** A special exception for a planned retirement community was approved by the District Council for this site on July 26, 1988 (SE 3846). The 1990 *Sectional Map Amendment for Langley Park-College Park-Greenbelt (Planning Areas 65, 66 ad 67)* rezoned this property from the R-55 Zone to the R-18 Zone.

D. **Master Plan Recommendation:**

2002 General Plan: This application is located in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use pedestrian-oriented, medium- to high-density neighborhoods.

Master Plan: The 1989 master plan for Langley Park-College Park- Greenbelt recommends the subject property for multifamily residential high density and recognizes the existing planned retirement community that is connected to the subject property.

E. **Request:** The applicant proposes to construct a 3-story, 46-foot-high, 60-unit apartment building for the elderly and physically handicapped. The proposal also includes the construction of 46 parking spaces. If the requested special exception is granted, the owner will have to request a revision to SE-3846.

F. **Neighborhood and Surrounding Uses:** The site is surrounded by the following uses:

North: The Rollingcrest-Chillum Community Center in the O-S Zone.

East: The Rollingcrest Commons planned retirement community in the R-18 Zone; across Sargent Road are single-family residences in the R-55 Zone.

South: Undeveloped land and single-family residences in the R-55 Zone.

West: Single-family residences in the R-55 Zone.

The neighborhood is defined by the following boundaries:

North and West: Riggs Road

East: Sligo Creek and 16th Avenue

South: Chillum Road

This is the same neighborhood as was accepted in SE-3846. Residential and institutional developments dominate the R-55 Zone areas of the neighborhood. The existing Rollingcrest Commons planned retirement community is the principle land use in the R-18 Zone. The Rollingcrest, Cypress Creek and Overlook apartment complexes are located in the southern portion of the neighborhood. There are commercial uses located along Riggs, Chillum and Sargent Roads.

G. **Specific Special Exception Requirements:** Pursuant to Section 27-337(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 20 years. The covenants shall run to the benefit of the Maryland-National Capital Park and Planning Commission;**

The applicant has submitted a copy of the declaration of covenants, conditions and restrictions to be recorded in the land records of Prince George's County, Maryland for this property to fulfill this requirement.

(2) In the R-18, R-18C, R-H, and R-10 Zones, the following shall apply:

(A) The owner shall be a private, nonprofit organization.

The owner of the subject property, Rollingcrest Commons, Inc., is a private, nonprofit organization, as is the applicant in this case, Victory Crest, Inc.

(B) In addition to the requirements of Section 27-296(c), the site plan shall show the density, type, and total number of dwelling units proposed. The minimum net lot area may be reduced and density may exceed that normally permitted in the applicable zone, provided that:

(i) The net lot area shall not be less than fifty percent (50%) of the minimum net lot area required in the zone; and

At 5.35 acres, the site exceeds the minimum net lot area requirement for the R-18 Zone.

(ii) The density shall not be greater than twice that normally allowed in the zone;

At a density of 11.63 du/acre, the proposed density will not be greater than twice that normally allowed in the zone. It is, in fact, less than the 12 units per acre permitted in the R-18 Zone.

Section 27-337(c) specifies:

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.

At least one member of each household will be at least 62 years of age. The applicant proposes six of the units to be designed to accommodate persons in wheelchairs with lowered counters, specifically designed appliances, and accessible bathrooms. In addition, two of the units are proposed to serve persons with visual or hearing impairments. However, because all of the units are proposed to be one bedroom, they will not accommodate an elderly person or physically disabled person with a child or other dependent.

- H. **Parking Regulations: Section 27-568 of the Zoning Ordinance requires .66 parking space per dwelling unit.**

A total of 40 parking spaces are required (60 units x .66 = 40 spaces). According to the parking schedule and drawing on the proposed site plan, a total of 46 parking spaces are provided, including four parking spaces for handicapped motorists.

- I. **Loading Requirements: Section 27-582 of the Zoning Ordinance requires one loading space for every 100 to 300 multifamily dwellings.**

The site plan shows one loading space.

- J. **Landscape Manual Requirements:** The applicant's revised landscape plan meets the requirements of the *Landscape Manual*.

- K. **Zone Standards:** The proposed use is in the R-18 Zone. The use is allowed by special exception in this zone. No variances are required.

- L. **Sign Regulations:** The site plan shows one combined sign for both Rollingcrest Commons and Victory Crest at the site. This sign meets the setback criteria for permanent real estate identification signs, but exceeds the maximum 48-square-foot size criteria. The area of the sign would either have to be reduced or a departure obtained

- 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.**

The fundamental purposes of the Zoning Ordinance, as found in **Section 27-102**, are to protect the health, safety and welfare of the public and promote compatible relationships between the various types of land uses. Review of the applicant's site plan for conformance with the requirements of the Ordinance indicates no major conflicts with the fundamental purposes of this subtitle. However, as discussed further in this report, the site does not have an approved tree conservation plan.

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

The subject property is located in the R-18 Zone, which permits the proposed special exception. With the exception of the required approved Type I tree conservation plan, the proposed use conforms to all applicable requirements and regulations of this subtitle or could easily be brought into conformance through the imposition of conditions.

- (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 result in the substantial impairment of the 1989 master plan for Langley Park-College Park-Greenbelt, which recommends the subject property for multifamily residential high density and recognizes the existing planned retirement community that is connected to the subject property.

The applicant's site plan shows a well planned and sited development well buffered from the adjoining single-family residences. Approximately 70 percent of the site is to remain in green area.

The master plan is silent on providing apartment housing for the elderly. However, a stated goal in the 1989 master plan is that a broad range of housing types and designs should be provided to meet the needs of different household ages, sizes and income levels.

- (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.**

There are extensive barriers, natural and manmade, in the form of topography, landscaping and building setbacks, between the nearest residential properties and the proposed use. Staff can find no evidence that the proposed use will adversely affect the health, safety or welfare of residents or workers in the area. Nor is there any indication that the proposed development would be detrimental to the use or development of adjacent properties or the general neighborhood.

With regard to traffic and transportation issues, due to the nature of the use, it is unlikely that the proposed building would generate a level of traffic that would raise concern for congestion on the streets. The closest major intersection (Chillum Road and Sargent Road) operates at an acceptable level of service. This would not change as a result of the development's new trip generation (8 and 12 peak-hour trips in the AM and PM peak hours, respectively.)

The presence of a bus stop along Sargent Road in the immediate vicinity of the site access road provides an excellent opportunity for much greater usage of public transportation by the current and future residents, if it is improved with a shelter and bench per DPW&T and/or WMATA standards. At a meeting held with transportation staff, the applicant has agreed to fully fund the provision of bus shelter and bench at this location.

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

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is greater than 40,000 square feet, and there are more than 10,000 square feet of existing woodland. A Type I tree conservation plan is required. The subject property was the subject of Preliminary Plan 4-88156, approved by the Planning Board on September 8, 1988. That action created two parcels, of which the subject property is part of Parcel A. The TCPI submitted does not meet the minimum submission requirements for a tree conservation plan because it does not contain the land within legal boundaries of lots or parcels or combinations of lots or parcels as required by the Woodland Conservation/Tree Preservation Ordinance, Part 5, Woodland Conservation Criteria, p. 13, last paragraph, and Part 2, p. 5, Exemptions, fourth and fifth bullets.

The requirement to include areas of land that encompass the legal boundaries of a lot or parcel or combinations of lots or parcels is a necessary requirement to prevent the purposeful division of land that results in portions of the property being exempt from the Ordinance. It is also necessary to prevent the placement of impermanent lease lines that could have the same result, and the added concern that the lease lines could change without notice. Since the adoption of the woodland conservation requirements in 1989, this provision has been consistently and equally applied to properties throughout the county.

The Type I Tree Conservation Plan, TCPI/032/07, has been reviewed and was found to require major revisions. The gross tract area must be revised to include the legal boundaries of the 17.50-acre parcel. The woodland conservation threshold based on the existing zones is 20 percent of the net tract (3.50 acres). The woodland conservation requirement for the site is 3.57 acres, based on the proposal for the development of Victory Crest. The TCPI should be revised to satisfy the woodland conservation requirement entirely on-site because it can easily be accomplished within the legal boundaries of the property. The plan must also be revised to remove all references to a TCPII because a TCPI is required with a special exception.

CONCLUSION

Based on the preceding analysis and findings, staff is compelled to recommend that Special Exception 4603 be DISAPPROVED due to the lack of an approved tree conservation plan.