



The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530

Special Exception Alternative Compliance

**SE-4811
 AC-19008**

Contee Estate, LLC an Assisted Living Home

REQUEST	STAFF RECOMMENDATION
SE: A congregate living facility serving up to 16 elderly and/or physically handicapped residents.	APPROVAL with conditions
AC: Alternative compliance from Section 4.7 of the Landscape Manual.	APPROVAL

Location: On the south side of Veronica Lane, approximately 200 feet southeast of its intersection with Contee Road.

Gross Acreage: 1.32

Zone: R-R

Dwelling Units: 1

Gross Floor Area: N/A

Lots: 2

Parcels: 0

Planning Area: 60

Council District: 01

Election District: 10

Municipality: N/A

200-Scale Base Map: 219NE06

Applicant/Address:

Contee Estate, LLC an Assisted Living Home
 Maude-Marie Abayomi-Cole
 7111 Veronica Lane
 Laurel, MD 20707

Staff Reviewer: Ras Tafari Cannady II, AICP

Phone Number: 301-952-3411

Email: Ras.Cannady@ppd.mncppc.org



Planning Board Date: 09/12/19

Planning Board Action Limit: 8/28/19

Staff Report Date: 08/28/19

Date Accepted: 12/10/18

Informational Mailing: 01/29/19

Acceptance Mailing: 11/29/18

Sign Posting Deadline: N/A

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT:

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

VIA: Sherri Conner, Supervisor, Subdivision and Zoning Section
Development Review Division

FROM: Ras Tafari Cannady II, Senior Planner, Subdivision and Zoning Section
Development Review Division

SUBJECT: Special Exception SE-4811
Alternative Compliance AC-19008
Contee Estate, LLC an Assisted Living Home

REQUEST: Permit a congregate living facility serving up to 16 elderly and/or physically
handicapped residents.

Alternative Compliance from Section 4.7 of the Landscape Manual.

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

The Planning Board has scheduled this application on the consent agenda for transmittal to the Zoning Hearing Examiner on the agenda date of September 12, 2019.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. 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:

1. **Location:** The subject property is located on the south side of Veronica Lane, approximately 200 feet southeast of its intersection with Contee Road. The property address is 7111 Veronica Lane, Laurel, Maryland 20707.
2. **History and Previous Approvals:** The subject property is located on Tax Map 5 in Grid E3, consists of two lots, and contains a total of 1.32 acres of land. The subject property is known as Lots 15 and 16 of the Charles D. A. Robey's Farmlets subdivision, recorded in Plat Book BB 6-11 on July 1937. The record plat does not contain any conditions. The subject property was previously improved with a single-family detached dwelling in 1965 according to aerial photos. This dwelling was razed in 2007. Subsequently, in 2007 the subject property was improved with a 7,431-square-foot, two-story brick and frame single-family detached dwelling, which will be the place of residence for the congregate living facility.
3. **Neighborhood and Surrounding Uses:** The general neighborhood is bounded to the north by MD 198 (Sandy Spring Road), I-95 to the west, and Van Dusen Road to the east and south. The neighborhood includes primarily residential uses. The immediate uses surrounding the subject property are as follows:

North and East— Veronica Lane – Across said road are single-family detached dwellings and the Grace Baptist Church of Laurel in the Rural Residential (R-R) Zone.

South— Single-family detached dwellings located in the R-R Zone.

West— Single-family detached dwellings located in the R-R Zone and Contee Road beyond.

4. **Request:** Permit a congregate living facility serving up to 16 elderly and/or physically handicapped residents. In addition, the applicant seeks approval of alternative compliance for Section 4.7 of the 2010 *Prince George's County Landscape Manual*.
5. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Single-Family Detached Dwelling	Congregate Living Facility
Acreage	1.32	1.32
Parcels	0	0
Gross Floor Area	7,431 sq. ft.	7,431 sq. ft.
Lots	2	2

6. **Required Findings:** A special exception is subject to the general findings for approval of all special exceptions contained in Section 27-317(a) of the Zoning Ordinance. Part 4 of the Zoning Ordinance also includes additional required findings for specific uses. A congregate living facility is subject to the additional findings of Section 27-344 of the Zoning Ordinance.

The analysis of all the required findings for approval are provided below.

In support of the application, the applicant filed a statement of justification (SOJ) dated December 10, 2018, which was superseded by a revised SOJ submitted on February 5, 2019, adopted herein by reference, and referenced throughout this technical staff report. The applicant also included site and landscape plans.

General Special Exception Findings—Section 27-317(a) provides the following:

(a) A Special Exception may be approved if:

(1) The proposed use and site plan are in harmony with the purposes of this Subtitle.

The purposes of Subtitle 27 of the Prince George's County Code, as set forth in Section 27-102(a)(1) through (15) of the Zoning Ordinance, are generally to protect the health, safety, and welfare of the public; to promote compatible relationships between various land uses; to guide orderly development; and to ensure adequate public facilities and services. Specific to the R-R Zone, as set forth in Section 27-428(a) of the Zoning Ordinance, the purposes relate to providing for and encouraging variation in the size, shape, and width of one-family detached residential subdivision lots, in order to better utilize the natural terrain; facilitating the planning of one-family residential developments with moderately large lots and dwellings of various sizes and styles; encouraging the preservation of trees and open spaces; and preventing soil erosion and stream valley flooding. Staff finds that the use and the site plan, as proposed, will be in harmony with the purposes of this Subtitle if approved with the recommended conditions contained herein.

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

As outlined within this technical staff report, this application has demonstrated conformance with the requirements and regulations of the Zoning Ordinance.

(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.

This application is in the Established Communities growth policy area of *Plan Prince George's 2035 Approved General Plan* (Plan 2035). Plan 2035 describes these areas as most appropriate for context-sensitive infill and low- to medium-density development, and recommends maintaining and enhancing existing public services, facilities, and infrastructures to ensure that the needs of residents are met. This application is consistent with that vision.

The 2010 Approved Master Plan and Sectional Map Amendment for Subregion I (Planning Areas 60, 61, 62, and 64) recommends residential low land uses on the subject property. The use of this site as a congregate living facility serving up to 16 elderly and/or physically handicapped residents is consistent with this vision.

Staff finds that the congregate living facility serving up to 16 elderly and/or physically handicapped residents does not impair the integrity of any master plan, functional plan, or Plan 2035.

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

The applicant's SOJ, submitted February 5, 2019, states that the proposed use will not adversely affect the health, safety or welfare of residents and workers in the area. The applicant has stated in the SOJ,

"The staff at the facility will be trained to care for elderly residents. A number of safety practices will be implemented to not only keep the elderly residents safe, but also to protect the residents or workers in the area.

Further, the traffic generated by this use is limited to visitors to the residents, as well as limited deliveries of food and laundry comparable in scale and frequency to that of a large family. Given the modest scale of operations and the character of the driveway and parking facilities, the needs of the facility can be met without adverse effects on the health, safety and welfare of the residents in the area. As the residents of the facility are principally limited to the indoors, the subject use will not generate noise or activity other than the limited service activity described above."

The proposal is designed to provide safe internal circulation flow for pedestrians and vehicles on-site, as well as a safe ingress and egress of vehicles. None of the responses from any of the referral agencies received by staff indicate that a congregate living facility serving up to 16 elderly and/or physically handicapped residents, subject to specific conditions contained herein, will 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.

As stated in the applicant's SOJ,

"Generally speaking, congregate living facilities for the elderly are compatible neighbors that generate little noise or traffic. The proposed use can be accommodated on the site with little change to its existing character and will not be detrimental to the use of adjacent properties or the general neighborhood. The character of

the facility is the same character as the surrounding dwellings, and the physical activities at and around the facility are comparable in scale and character to those associated with single-family dwellings. As such, the activity at the site will not be detrimental to the use or development of adjacent properties in the general neighborhood. The amount of traffic generated by the use is negligible.”

Staff finds the proposed development will not detrimentally impact the use or development of adjacent properties as all parking requirements will be met on-site, the existing building will remain in architectural harmony with the existing surrounding developments and the proposed use will provide a service which will supplement the entire county, pursuant to the conditions recommended.

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

The site has been issued a standard letter of exemption from the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (S-163-2019) dated August 24, 2018, with an expiration of August 24, 2020, and therefore conforms to this requirement.

(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

This special exception site plan does not contain any regulated environmental features and, therefore, conforms to this requirement.

Specific Special Exception Requirements:

Section 27-344. - Congregate living facility.

(a) A congregate living facility for more than eight (8) elderly or physically handicapped residents, as defined by Section 12-168(a) of this Code, may be permitted, subject to the following:

(1) There is a demonstrated need for the facility;

As described within the applicant’s SOJ,

“Prince George’s County has a demonstrated need for facilities that care for the elderly. According to a study on senior housing conducted by The Maryland-National Capital Park and Planning Commission (M-NCPPC), the population ages 65 and over is projected to grow at a faster pace in Prince George’s County than in the State of Maryland and the United States as a whole. (Profile of Prince George’s County and DC Metro Area, Page 41). Additionally, the same study notes that “Prince George’s County is underserved

relative to independent living, assisted living, and Alzheimer's care". The study concludes with the notion "the elderly population will continue to increase for at least the next decade, and so will the demand for elderly services. (Profile of Prince George's County and DC Metro Area, Page 50)."

In 2010, The Maryland-National Capital Park and Planning Commission (M-NCPPC) contracted ProMatura Group to conduct an analysis of the senior housing market in Prince George's County. The conclusion was that as the elderly population increases in the County, so will the demand/need for senior housing.

The applicant also provided pages one through eight, Part 3 of the *Senior Living Market Study Prince George's County* (September 2016; M-NCPPC, Prince George's County Planning Department). This part describes the low penetration rate of independent living units and the low penetration of the following units: assisted living units; Alzheimer's care units; nursing care units; and age-qualified service enriched housing properties (25+ units).

Staff agrees with the applicant's assertion that there is a demonstrated need for the congregate living facility in Prince George's County due to the growing aging population in the county. In addition, staff believes up to 16 elderly and/or physically handicapped residents will be served in an intimate, home-like environment, accessible to family in a location that provides a peaceful residential setting.

(2) The facility is in compliance with the physical requirements of Subtitle 12, Division 7, of this Code, and shall be operated in accordance with the licensing and other requirements of that Subtitle; and

According to the applicant's SOJ, the facility will meet all the applicable requirements of the state and County ordinances and will operate in accordance with the licensing and other requirements as regulated. Division 7 of Subtitle 12 is reserved and uncodified in the County Code. Subtitle 12, Section 12-177 adopts the state regulations (COMAR 10.07.14) by reference as the County's regulations. Enforcement and licensing of the facility's requirements to meet state and County ordinances will be reviewed through the Prince George's County Department of Permits, Inspection, and Enforcement permitting process. More specifically, this process will confirm that the facility is in compliance with the physical requirements of the County Code, and will be operated in accordance with the licensing and other requirements of that subtitle.

(3) There shall be a separate bedroom of a minimum of one hundred (100) square feet for each resident, or a separate bedroom of a minimum of one hundred and sixty (160) square feet for every two residents, or any combination of the above, so as to satisfy the accommodations requirements of the "Regulations for Congregate Living Facilities" (required by Section 12-173(d) of this Code), for the maximum number of permitted residents.

As described within the applicant's SOJ, and shown upon the floor plan exhibit, the proposed congregate living facility conforms with the standards contained within the County Code. More specifically, the proposed facility contains 10 bedrooms, ranging in size from 175 square feet to 321 square feet. This translates into 10 possible double rooms in the existing space, which supports a total of 16 residents. The requirements of this finding have been met through this proposal.

7. **Zone Standards:** The applicant's proposal for a congregate living facility serving up to 16 elderly and/or physically handicapped residents complies with the requirements of the R-R Zone contained in Section 27-428(a) and Section 27-344 of the Zoning Ordinance. While this application meets the applicable zone and specific use standards, during the review of the subject application, staff noted that the existing single-family dwelling is being served by a 20-foot-wide concrete driveway (perpetual easement) to the west of the property. Staff also notes the applicant's request to re-evaluate the use of the right-of-way through Lot 7 as part of this special exception, as "The traffic pattern used as a one way works smoothly on this site and traffic is minimal for the number of residents." Section 27-421.01 of the Zoning Ordinance states, "Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code." Pursuant to Section 24-128(d)(3) of the Prince George's County Subdivision regulations, "No private right-of-way or easement across land in a Residential Zone shall be deemed adequate access to serve any development other than a one-family detached dwelling, and structures accessory thereto, including a detached garage, or a nonprofit group residential facility where the private right-of-way or easement is owned by a governmental entity."

Therefore, staff recommends the applicant place a note on the subject site and landscape plans stating that there shall be no access to Lots 15 and 16, through Lot 7.

8. **Parking Regulations:** In accordance with the parking and loading regulations contained in Section 27-568(a)(5) of the Zoning Ordinance, the congregate living facility is required to provide four parking spaces. The subject property provides 2 regular parking spaces, 1 compact, and 1 handicap-accessible space for a total of 4 parking spaces in addition to a 22-foot-wide drive aisle.
9. **2010 Prince George's County Landscape Manual Requirements:** This site plan is subject to the following sections of the Landscape Manual: Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements. The special exception application is fronting on Veronica Lane and is subject to Section 4.2 along that frontage. The applicant has provided the Section 4.2 schedules and shows that the existing woodland (Option 3) will be used to fulfill the requirements. However, the existing woodland along Veronica Lane is not continuous and there are gaps that should be filled with additional landscaping. The existing woodland should also not have any invasive species. The applicant should revise the Section 4.2 schedule to address the woodland gaps along the street frontage on the landscape plan and certify that the woodland contains only noninvasive species. The special exception application is in conformance with Section 4.4 of the Landscape Manual. The applicant must provide the required Section 4.9 schedule to show conformance with the requirements. Staff notes an existing 301-square-foot shed

within the landscape bufferyard along the southwest portion of the subject site. The shed shall be removed to show compliance with the Landscape Manual.

An Alternative Compliance application, AC-19008, has been filed from the requirement of Section 4.7 along the western property line, adjacent to existing single-family detached homes on Lots 6 and 7.

Section 4.7, Buffering Incompatible Uses

REQUIRED: Section 4.7, Buffering Incompatible Uses, along the western property line, adjacent to existing single-family detached homes

Length of bufferyard	205.48 feet
Minimum building setback	30 feet
Landscape yard width	20 feet
Fence or wall	No
Percent with existing trees	0
Plant units (80 per 100 l. f.)	165

PROVIDED: Section 4.7, Buffering Incompatible Uses, along the western property line, adjacent to existing single-family detached homes

Length of bufferyard	205.48 feet
Minimum building setback	30 feet
Landscape yard width	Varied, 23 to 24 feet*
Fence or wall	No
Percent with existing trees	0
Plant units (80 per 100 l. f.)	164

Note: *The landscape yard width is provided on either side of the existing driveway.

Justification of Recommendation

The applicant requests alternative compliance from the requirements of Section 4.7 to propose an alternative solution to providing the required bufferyard along the western boundary line, adjacent to existing single-family detached dwellings. Section 4.7 requires a Type B bufferyard, which includes a 30-foot building setback and a 20-foot-wide landscape yard to be planted with 80 plant units per each 100 linear feet of property line. The applicant is not able to meet the required landscape yard width due to the location of the existing driveway, which runs southward from Veronica Lane, along the west side of the lot, approximately three to four feet from the western property line.

The alternative design solution consists of a landscape strip located between the existing driveway and the western property line, with a varied width of three to four feet, to be planted with trees and shrubs. There is an existing 6-foot-high chain-link fence with a brick foundation on Lot 6, which contributes to the separation. In addition, a 20-foot-wide bufferyard is proposed to be located east of the driveway within the northern portion of the lot, to be planted with trees and shrubs. However, a similar treatment should be provided within the southern portion of the lot, adjacent to the east side of the driveway, except

where the existing building is located. One additional shade and two ornamental trees should be provided in this southern section of the bufferyard. As such, the total plantings will be 184 units, which is an additional 19 units more than required.

The applicant's proposal is found to be as equally effective as normal compliance with Section 4.7, if approved with one condition, given the proposed bufferyard width is provided on both sides of the existing driveway and the provision of 10 percent more plant units than normally required. APPROVAL of Alternative Compliance AC-19008, Contee Estates, from the requirements of the 2010 *Prince George's County Landscape Manual* for Section 4.7, Buffering Incompatible Uses, along the western property line, adjacent to existing single-family detached homes on Lots 6 and 7 is recommended.

10. **Tree Canopy Coverage:** This application is not subject to the Tree Canopy Coverage Ordinance because the project proposes less than 5,000 square feet of gross floor area or disturbance.
11. **Signage Regulations:** Proposed signage was not submitted for the subject property; therefore, this application does not encumber the review of signage regulations.
12. **Referral Comments:** The following referrals were received and are incorporated herein by reference; all of the comments are addressed on the site plan, or as part of this technical staff report:
 - a. Permit Review Section dated December 14, 2018 (Bartlett to Cannady II)
 - b. Community Planning Division dated January 14, 2019 (White to Cannady II)
 - c. Transportation Planning Section dated January 23, 2019 (Masog to Cannady II)
 - d. Environmental Planning Section dated January 24, 2019 (Juba to Cannady II)
 - e. Prince George's County Health Department dated December 17, 2018 (Adepoju to Cannady II)
 - f. Urban Design Section dated February 1, 2019 (Zhang to Cannady II)

RECOMMENDATION

A special exception use is considered compatible with uses permitted by-right within the R-R Zone, as long as specific special exception criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, at this particular location proposed, would not have adverse impacts above and beyond those inherently associated with the special exception use, regardless of its location within the R-R Zone.

Based on the applicant's revised statement of justification submitted February 8, 2019, the analysis contained in the technical staff report, associated referrals, and materials in the record, the applicant has demonstrated conformance with the required special exception findings as set forth

in Section 27-317 (in general) and Section 27-344, for a congregate living facility, of the Zoning Ordinance in this instance. Therefore, staff recommends approval of Special Exception SE-4811 and Alternative Compliance AC-19008, Contee Estates, subject to the following condition of approval:

1. Prior to approval of this special exception, the applicant shall:
 - a. Provide a 20-foot-wide landscape yard in the southern portion of the site, east of the existing driveway, with one additional shade tree and two ornamental trees.
 - b. Place a note on the subject site and landscape plans stating that there shall be no access to Lots 15 and 16, through Lot 7.
 - c. Show the “Required” and “Provided” building setbacks in the note section of the site and landscape plan.
 - d. Revise the Section 4.2 schedule on the site and landscape plans to demonstrate conformance with the applicable requirements and certify that the woodland contains noninvasive species.
 - e. Provide a note stating the conformance with Section 4.4 requirements.
 - f. Provide a Section 4.9 schedule on the landscape plan and demonstrate conformance with the applicable requirements.
 - g. Provide a note on the plan stating that the shed along the southwest portion of the subject site will be removed, and the applicable bufferyard will be provided in its place.
 - h. Provide evidence from the Prince George’s County Health Department that the facility is in compliance with COMAR 10.07.14 regulations under the Office of Health Care Quality.