



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

Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Special Exception 8230 Schultz Road Senior Housing

SE-4830

REQUEST	STAFF RECOMMENDATION
A special exception to permit the development of apartment dwellings for elderly or handicapped families.	APPROVAL with conditions

Location: At the southeast quadrant of Springbrook Lane and Schultz Road.	
Gross Acreage:	3.53
Zone:	R-80/M-I-O
Dwelling Units:	90
Gross Floor Area:	84,811 sq. ft.
Lots:	1
Parcels:	0
Planning Area:	81A
Council District:	09
Election District:	09
Municipality:	N/A
200-Scale Base Map:	211SE06
Applicant/Address: 8230 Schultz Road, LLC 6525 Belcrest Road, Suite 555 Hyattsville, MD 20782	
Staff Reviewer: Thomas Sievers Phone Number: 301-952-3994 Email: Thomas.Sievers@ppd.mncppc.org	



Planning Board Date:	03/25/2021
Planning Board Action Limit:	N/A
Staff Report Date:	03/10/2021
Date Accepted:	01/06/2021
Informational Mailing:	04/21/2020
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Sign Posting Deadline:	N/A

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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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: Jeremy Hurlbutt, Supervisor, Zoning Review Section, Development Review Division

FROM: Thomas Sievers, Senior Planner, Zoning Review Section, Development Review Division

SUBJECT: Special Exception SE-4830
8230 Schultz Road Senior Housing

REQUEST: A special exception to permit the development of apartment dwellings for elderly or handicapped families.

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 March 25, 2021.

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 and Site Description:** The subject property is located in the southeast corner of the intersection of Schultz Road and Springbrook Lane. The subject property is currently unimproved.
2. **History and Previous Approvals:** The subject property is located on Tax Map 116 in Grid D-1, and is known as Part of Lot 71, Charles C. Schultz's Subdivision, recorded in Plat Book 7-93 and dated May 7, 1940. The total area of the property is 3.53 acres and is zoned One-Family Detached Residential (R-80), within the Military Installation Overlay (M-I-O) Zone. The property is currently undeveloped. Lot 71, as shown on Plat Book 7-93, has been modified subsequent to recordation by conveyance of right-of-way, and therefore, the property is no longer configured as shown on the record plat.

The property considered in this special exception is not subject to a previously approved preliminary plan of subdivision (PPS). Since the property has a final plat of subdivision approved prior to October 27, 1970, development on the subject property proposing more than one single-family detached dwelling, or greater than 5,000 square feet of gross floor area, requires resubdivision of the property, in accordance with Section 24-111(c) of the Prince George's County Subdivision Regulations. A new PPS will be required to find conformance with the layout, as proposed with the subject special exception application. Approval of a final plat of subdivision will also be required, following approval of a PPS, prior to the approval of building permits for the subject property.

3. **Neighborhood and Surrounding Uses:** The general neighborhood is bounded to the north by Coventry Way, to the east by Branch Avenue (MD 5), to the west by Old Branch Avenue, and to the south by Woodley Road and the northern limits of the Woodyard Crossing Shopping Center. The neighborhood includes residential and commercial uses, as well as undeveloped land. The immediate uses surrounding the subject property are as follows:

North— the office building of Exit Landmark Realty in the Commercial Miscellaneous Zone.

East— A stormwater management (SWM) pond on land owned by the Maryland State Highway Administration (SHA) in the R-80 Zone.

South— Undeveloped, wooded land in the R-80 Zone.

West— Single family detached dwellings in the R-80 Zone.

4. **Request:** The applicant requests approval of a special exception to permit the development of apartment dwellings for elderly or handicapped families.

5. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-80/M-I-O	R-80/M-I-O
Use(s)	Vacant	Multifamily
Acreage	3.53	3.53
Lots	1	1
Gross Floor Area	N/A	84,811 sq. ft.
Dwellings	N/A	90

6. **Required Findings:** A special exception for use of the subject site as an apartment dwelling for elderly or handicapped families is subject to the general findings for approval of all special exceptions contained in Section 27-317(a) of the Prince George's County Zoning Ordinance. Part 4 of the Zoning Ordinance also includes additional required findings for specific uses. Apartment housing for the elderly or physically handicapped families is subject to the additional findings of Section 27-337 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) submitted January 6, 2020, incorporated by reference herein. This case was heard at the Subdivision and Development Review Committee (SDRC) meeting on January 22, 2020. The applicant submitted a supplemental noise study on January 21, 2021. A revised site plan, landscape plan, Type 2 tree conservation plan (TCP2), truck turning exhibit, and SOJ in support of impacts to regulated environmental features were received on February 18, 2021, for the subject property, as requested by staff at the SDRC meeting.

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. Affordable housing for the elderly will promote the health and safety of the inhabitants of the County, be an example of orderly growth and development by providing a transitional use at a location where the surrounding neighborhood is making a transition in its physical character to commercial uses, and preserve the regulated natural features of the subject property. The development, 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.

In the context of this finding, it is important to recognize that Section 27-337(a)(4) of the Zoning Ordinance provides that, “The height, lot coverage, density, frontage, yard, and green area requirements, including restrictions on the location and height of accessory buildings, as specified for the zone in which the use is proposed, shall not apply to uses or structures provided for in this Section. The dimensions, percentages, and density shown on the approved site plan shall constitute the regulations for development under a given Special Exception.” Other applicable regulations of the Zoning Ordinance affecting the physical development of the property include the regulations applicable in all zones of Zoning Ordinance Part 2, Division 4; the provisions of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual) adopted by reference by Part 2, Division 5; those addressing requirements for maximum structure height in Part 10C, the M-I-O Zone; those provisions addressing off-street parking in Part 11; and those provisions addressing signs in Part 12. The subject special exception conforms to these requirements and regulations.

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.

The subject application is responsive to the recommendations of the applicable master plan and functional master plans. The applicable master plan is the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*. The County has a number of functional master plans, including the 2017 *Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan*, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the 2008 *Approved Public Safety Facilities Master Plan*, the 2010 *Approved Historic Sites and Districts Plan*, and the 2010 *Approved Water Resources Functional Master Plan*. While not forming part of this criterion for approval of special exceptions, one of the purposes of the Zoning Ordinance is to implement the 2014 *Plan Prince George’s Approved General Plan* (Plan 2035) so this plan is discussed here.

General Plan

Plan 2035 classified the subject site in its Growth Policy Map in the “Established Communities” category. Established communities are described by Plan 2035 as “the County’s heart – its established neighborhoods, municipalities and unincorporated areas outside designated centers,” and recommends that, “Established communities are most appropriate for context-sensitive infill and low- to medium-density development”.

The applicant believes that the development of the subject property as apartment dwellings for the elderly will serve as a particularly context-sensitive transitional use, given that it is located in close proximity to MD 5 and its access ramps, is adjacent to one of that highway’s SWM ponds, and is across the street from a commercial use. Given the nature of its resident population and its buffering by the

stream corridor of Pea Hill Branch, it is a compatible and context-sensitive infill development, in keeping with the vision of Plan 2035.

Plan 2035 also includes a particular policy in its Housing and Neighborhoods Element to, “increase the supply of housing types that are suitable for, and attractive to the County’s growing vulnerable populations. These include the elderly, the homeless and residents with special needs.” This policy goes on to include a strategy directing the County to eliminate regulatory barriers to the construction of elderly accessible housing; while this application is going through the historic regulatory process, the Plan 2035 policy and strategy quoted here indicates that the subject application is keeping with the County’s goals, as laid out in Plan 2035.

Master Plan

The 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* focused much of its discussion on five specific focus areas; the subject property lies between two of them and, as such, there is no discussion in the sector plan’s text which directly addresses it. The “Corridorwide Future Land Use” (page 112) suggests that the future land use is to be “Open Space,” though no specific recommendation affecting the subject property is made.

Broadly, the “Open Space” recommendation on the subject property is not property-specific, and is not connected with a planned park requirement, nor is the subject property even designated on the sector plan’s Map 46 as an area of “Possible Addition to Parks and Open Space,” but the applicant believes that the land use recommendation is indicative of a general goal of the sector plan to protect sensitive areas, which in the specific case of the subject property, is the Pea Hill Branch stream valley. This is reflected in the sector plan’s recommendations for the trail network in the sector plan area’s stream valley parks, and a more specific recommendation to, “Enhance existing stream valley parks and open space network by acquiring sensitive environmental properties and gap properties identified as part of the Green Infrastructure Network” (page 132). The mapping in the published Green Infrastructure Plan, however, did not identify Pea Hill Branch as a part of the County’s Green Infrastructure Network at all, and even the updated (2017) Green Infrastructure Mapping on the County’s PGAtlas GIS site only includes the approximately 20 percent of the subject property’s area which corresponds to the 100-year floodplain area.

By preserving the floodplain area and thereby allowing for the future construction of the planned stream valley trail network, the subject application will be helping to implement the intent of the sector plan.

The sector plan does make a number of general recommendations for community design and appearance, which are intended to be applicable to development outside the focus areas; the sector plan indicates that its recommendations are intended to, “provide guidance on best practices that should be considered during the design of new projects to enhance the function and visual quality” (page 113) The applicable guidance includes the following:

In its Design for Safety guidance, the sector plan suggests:

“Natural Surveillance – Crime is more likely in areas without opportunities for natural surveillance. Design buildings to maximize visibility and enhance natural surveillance by keeping potential intruders under observation. Provide windows, storefronts, clearly visible entrances, balconies, porches, outdoor activity areas, and benches. Ensure that windows, especially storefront windows, are not obscured” (page 113).

The special exception site plan provides for a direct spatial relationship between the building and the parking lot to provide “eyes on the parking lot” from the facility’s residents. The building’s entrance is clearly visible, accentuated by the building’s massing, and provides areas around it for outdoor seating to maximize opportunities for natural surveillance.

“Natural Access Control – Guide people to and from the proper entrances using walkways, proper lighting, signage, and fences to direct the flow of people while decreasing the opportunity for crime. Ensure clear sightlines along sidewalks and provide low-level lighting along sidewalks, pathways, service entrances/areas, parking lots, and alleys. Install traffic calming techniques that limit streets as fast getaway routes and reduce on-street criminal activity” (pages 113-114).

The special exception site plan provides for a well-lit parking lot that is clearly oriented to the building entrance. Sidewalks connect the parking lot to the building entrance across the building’s front elevation, with clear sightlines not only across the site, but with “eyes on the sidewalk” from the facility’s residents as described above.

In its Site Design guidance, the sector plan suggests:

“Orient building frontages to face the street, courtyard, or plaza. In mixed-use areas, the street facing buildings should establish a street wall deep enough from the street curb to provide wide pedestrian walkways in front of the buildings. This will create and define public spaces and encourage an active street frontage” (page 114).

The building is designed to create a plaza centered on the building entrance. This creates an active area in keeping with the plan guidance.

“Setbacks should vary slightly to maximize streetscape interest. Avoid uninterrupted walls of structures. Buildings should not be sited in rigid parallel fashion to avoid monotony in visual appearance” (pages 114-115).

The building has been designed with massing that creates visual interest. Varied setbacks and projections avoid a monotonous appearance.

“Place parking at the rear or side of all buildings in order to avoid a direct view of parking lots from the street. Provide parking islands with landscaping to soften the view of asphalt pavement and to avoid the prospect of a sea of parked cars” (page 115).

In this case, the specifics of the subject property suggest that this guidance is not wholly appropriate: The presence of the commercial uses and the highway access ramps to the north, and single-family residences to the southwest, indicate that the more contextual design is to locate the parking lot to the north (the legal “front”) and the building to the south. In addition to protecting the single-family character to the southwest, this design also has the beneficial effect of mitigating the adverse noise impacts from MD 5. The special exception site plan does, however, create large parking islands integrated not only with landscaping but with Environmental Site Design methods, which soften the view of the pavement, break up the mass of parked cars, and provide water quality benefits as well.

“Provide low screen walls, hedges, or both, at those places where surface parking can be viewed from the street” (page 115).

The parking lot perimeter is landscaped in accordance with the requirements of the Landscape Manual to meet this sector plan guidance.

“Use landscaping to beautify the street and public spaces, to buffer incompatible uses, and to screen unsightly views. Locate loading areas away from public views. Where this is not feasible, these areas should be properly screened (page 115).

The general site area is landscaped in accordance with the requirements of the Landscape Manual to meet this sector plan guidance.

In its Building Design guidance, the sector plan suggests:

“Design all buildings with high-quality materials and treatments. Exterior building walls should be constructed with brick, stone, precast concrete, and other high-quality compatible materials. Reflective and tinted glass should not be used on the ground floor of any building, and ribbons or bands of glass should not be used for windows” (page 116).

As described above, the building design will feature brick cladding on the ground level, with additional brick elements extending higher around the building’s main entrance. Upper floors will be clad principally with fiber-cement siding and panels. Neither reflective glass nor ribbon windows are proposed.

“Provide architectural elements and proportion that relate to a pedestrian scale in building façades. Large expanses of identical building walls should be avoided. Façades that provide a regular and frequent pattern of architectural variety through modulation of wall plane, detailing, color, texture, material, and the incorporation of art and ornament are encouraged” (page 116).

The building’s facades are elegantly modulated by changes in plane, color, and material in keeping with this guidance.

“Incorporate projections and recesses to add interest to buildings, especially to highlight entrances. Awnings and canopies made of high-quality materials, and proportional in design and placement, should be used where appropriate, especially over doors and windows. Colors should be compatible with primary building materials and with adjacent buildings” (page 117).

As described above, the building’s façade modulation includes changes in plane, both generally and around the entrance. The building proposed a substantial canopy over the entrance with materials from the palette used for the rest of the building.

The sector plan’s guidance for Connectivity and Circulation and Open Space are largely relevant only to commercial areas and uses. However, the Plan does recommend that sidewalks be provided throughout the sector plan area, which the special exception site plan has proposed to do along its road frontage; it is noted, however, that a sidewalk is not proposed along the access ramp to MD 5 along the property’s northern frontage. It is also noted that the sector plan’s guidance recommends consideration that, “signs should be ground mounted monumental signs; constructed with any high-quality material—such as brick or stone—compatible with the building materials that predominate; and accented with plants, flowers, and lighting” (page 119).

This guidance will be implemented by the proposed monument signage.

The sector plan does recommend the creation of the “Pea Hill Branch Connection,” a hard surface trail along the Pea Hill Branch stream valley. As discussed above, the applicant has not proposed to construct this trail at this time as there is no other constructed segment of the planned trail to connect to, and it would entail additional impacts to the wooded floodplain for no current benefit. In discussions with Maryland-National Capital Park and Planning Commission (M-NCPPC) staff, however, the applicant indicated that they would be willing to grant an easement in the floodplain area at such time as the trail were to be constructed so that this Plan recommendation can be implemented.

The sector plan also makes recommendations to protect and preserve environmental resources in the plan area. The applicable recommendations include:

“Expand tree and forest canopy coverage by ensuring that new development meets its woodland conservation requirements either on site or within the plan area’s watersheds. Establish woodland conservation banks within the Piscataway and Henson Creek watersheds for use when off-site woodland conservation acreage is needed as part of new development. Consider the potential sites for these banks shown on Map 46” (page 128).

The proposed tree conservation plan will require the acquisition of off-site woodland to meet its conservation requirements. Every consideration will be given to the use of woodland banks within the Pea Hill Branch, Tinker’s Creek, and Piscataway Creek hierarchy of watersheds, to the extent that area there is available.

“Protect existing woodland and natural areas, restore wetlands and forests in stream buffers, and stabilize and restore ecosystem functions of receiving streams as part of the SWM designs for development projects or as separate, publicly funded projects. See Map 46 and Table 11 for sites identified for specific improvements. (page 128).

“Encourage private landowners, including homeowner associations and institutions, such as schools and churches who own large tracts of undeveloped land, to preserve forested stream buffers, minimize forest fragmentation, and establish reforestation banks or woodland banks on their properties” (page 129).

While the subject property does not contain any areas identified for specific improvements, it does contain a part of the stream valley of Pea Hill Branch. This stream valley will be protected by the preservation of its woodland in accordance with these plan recommendations.

“Promote the use of environmentally sensitive (green) development techniques in redevelopment and new development projects, including the use of bioretention landscaping, minimizing impervious surfaces, and the use of grass channels and swales to reduce runoff and sheet flow into stream and wetland buffers” (page 129).

The SWM systems proposed include the use of Environmental Site Design methods, including landscaped micro-bioretention areas, to implement this sector plan recommendation. In addition, the project will only provide the minimum parking required by Part 11 to minimize the extent of impervious surfaces.

“Ensure that site and street designs include the use of full cutoff optic lighting systems that provide consistent light levels throughout the revitalization areas” (page 129).

Full cutoff lighting is proposed for the project.

“Mitigate noise created by transportation uses on existing and future residential communities by designing residential uses to minimize noise impacts through building placement or construction materials. Discourage inappropriate land uses, such as outdoor recreation, in areas subject to high noise levels” (page 129).

As discussed above, a principal determinant of the building’s placement was noise mitigation. In addition, enhanced construction materials will be used to further mitigate noise impacts. Finally, the principal outdoor recreation area will be sited on the rear of the proposed building to screen it from the highway noise from MD 5.

By implementing these recommendations and the applicable guidance of the sector plan, the subject application will meet the required finding of not substantially impairing the sector plan, and instead will act to actively implement it.

Applicable Functional Master Plans

The special exception area is mapped as containing regulated areas of the County's Green Infrastructure Network associated with the floodplain of Pea Hill Branch. By preserving this area (except for a minor impact to safely and non-erosively discharge stormwater), the subject application will not substantially impair the Green Infrastructure Plan.

With regard to the 2010 *Approved Historic Sites and Districts Plan*, no historic sites or resources are located immediately proximate to subject property, as such the approval of the subject application will not have an adverse impact on this functional master plan.

The 2010 *Approved Water Resources Functional Master Plan* addresses broad regulatory policy and large-scale watershed planning, and as such makes no recommendations which are directly applicable to the subject application.

No proposed sites for public safety facilities are in the area affected by the subject application.

The MPOT also proposes the Pea Hill Branch Stream Valley Trail, discussed above.

In conclusion, the subject application will not substantially impair the master plan or a functional master plan.

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

The proposed special exception site plan provides for a low-impact use at a contextually appropriate location, the improvement of an existing adjacent substandard roadway, generates a traffic impact that is only barely above *de minimis*, and preserves the Pea Hill Branch stream valley while protecting its residents from any dangers of flooding, and protects others in the area by providing 100-year management of runoff. The site will be well-lit, well-landscaped, and in keeping with these reasons, the approval of this application will not adversely impact the health, safety and welfare of nearby residents or workers.

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

The subject application provides for a low-impact use at a contextually appropriate location, serving as a transition between the single-family detached dwellings to the southwest and the higher-impact uses and conditions of MD 5 and its access ramps, that highway's SWM pond, and the service commercial and industrial uses along the extension of Schultz Road to the northwest. By being a low-impact use and by acting as a transition use at an inflexion point in the uses in the general neighborhood, the approval of the subject application will actively help to safeguard the existing uses and set the stage for the congenial development of nearby undeveloped properties.

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

A TCP2 has been prepared in connection with the subject application.

- (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).**

The regulated environmental features on the subject property are associated with the stream valley of Pea Hill Branch and includes parts of the stream channel, peripheral nontidal wetlands, and the areas of its 100-year floodplain. These areas are proposed to be preserved, with one minor exception: in order to achieve a safe and non-erosive discharge of the site's stormwater, it is necessary to construct its outfall at the toe of the slope adjacent to the Pea Hill Branch, within the wooded floodplain area, resulting in a minor impact to the regulated environmental features.

This kind of limited impact is ordinarily approved as the ultimate intent of the impact is to protect the aggregate area of the regulated natural features. To this end, the M-NCPPC Environmental Technical Manual states:

“Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact.”

Finally, the applicant notes that because the site is not located within the Chesapeake Bay Critical Area, the provisions of Section 27-317(b) of the Zoning Ordinance are not applicable to the subject application.

Specific Special Exception Requirements:

Section 27-337 – Apartment housing for elderly or physically handicapped families.

- (a) Apartment housing and related facilities for elderly or physically handicapped families may be permitted within and on the property associated with an existing building, which was formerly used for a public school that has been declared surplus by the government entity which owns (owned) it (known as a surplus public school building), subject to the following:**

The proposed building is new construction, and while the subject property was conveyed to the current owner by Prince George's County, it was never used as a public school; as such, this section is not applicable to this application. However, a discussion of Section 27-337(a)(1-4) of the Zoning Ordinance are made applicable

by the provisions of Section 27-337(b)(4)(A) of the Zoning Ordinance, as detailed below.

(b) Apartment housing and related facilities for elderly or physically handicapped families may be permitted within a building other than a surplus public school building, subject to the following:

- (1) The owner of the property shall record among the Land Records of Prince George's County a Declaration of Covenants which establishes that the premises will be solely occupied by elderly or handicapped families for a fixed term of not less than twenty (20) years. The covenants shall run to the benefit of the Maryland-National Capital Park and Planning Commission;**

This requirement is understood by the applicant, and a Declaration of Covenants will be filed and recorded among the Land Records of Prince George's County.

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

Because the subject property is in the R-80 Zone, this section and its subsections (not reproduced here) are not applicable to the subject application.

- (3) In the C-S-C Zone, the following shall apply:**

Because the subject property is in the R-80 Zone, this section and its subsections (not reproduced here) are not applicable to the subject application.

- (4) In the R-R, R-80, and R-55 Zones, the following shall apply:**

- (A) The requirements of paragraphs (1), (2), (3), (4) of Subsection (a), above, shall be met;**

Section 27-337(a)(1) – In addition to the requirements of Section 27-296(c), the site plan shall show the density, and the type and total number of dwelling units proposed.

The information has been provided on the special exception site plan. The applicant is proposing 90 apartment dwelling units on the 3.53-acre site, which equates to a density of 38.62 dwelling units per acres.

Section 27-337(a)(2) – The District Council shall find that the subject property is suitable for the type of development proposed, and is of sufficient size to properly accommodate the proposed number of dwelling units;

The subject property is a contextually appropriate location, serving as a transition between the single-family detached dwellings to the southwest and the higher impact uses and conditions of MD 5 and its access ramps, SHA's SWM pond, and the service of commercial and industrial uses along the extension of Schultz Road to the northwest (as Maryland Route 967).

While the regulations under Part 5, Division 4 of the Zoning Ordinance do not apply by virtue of the operation of Section 27-337(a)(4), the special exception site plan has been designed to be in general conformance to the regulations of the R-80 Zone for other permitted uses, with the exception of the fact that the height of the building exceeds the 40-foot limit which would otherwise be provided. Even so, additional setbacks have been provided such that the building would be approvable as a quasi-public use under the provisions of Part 5, Division 4. While the regulations of Part 5, Division 4 do not apply here, the general conformance of the proposed design to those regulations is indicative of the fact that the subject property is of sufficient size to properly accommodate the proposed number of dwelling units.

Section 27-337(a)(3) – Recreational and social amenities for the residents may be provided, if shown on the site plan and approved by the District Council;

The recreational and social amenities are largely indoors with the exception of the outdoor patio overlooking the floodplain of Pea Hill Branch. The details of which are contained in the applicant's SOJ and within the special exception site plan.

Section 27-337(a)(4) – The height, lot coverage, density, frontage, yard, and green area requirements, including restrictions on the location and height of accessory buildings, as specified for the zone in which the use is proposed, shall not apply to uses or structures provided for in this Section. The dimensions, percentages, and density shown on the approved site plan shall constitute the regulations for development under a given Special Exception.

This provision is understood by the applicant and the information concerning the building height, lot coverage, density, lot frontage, yards, and green area has been provided on the special exception site plan.

(B) The District Council shall find that the proposed use:

(i) Will serve the needs of the elderly families or physically handicapped families;

The applicant commissioned an Affordable Housing Market Study from Area Probe, LLC in connection with the preparation of the subject application. In it, they found that:

“From the 1,140 units we examined for this research study, there were only 52 vacant LIHTC units. 29 out of the 52 vacant units were one-bedroom apartments. The average occupancy rate in the PMA (primary market area) was 96 percent. Our confidence in this project was supported by the success of recently completed projects, the results of the capture rate, the penetration rate, and the growing number of households over the age of 65 in the primary market area.

By 2023, the 65+ population is expected to represent 17 percent of the total household population.”

This low vacancy rate and the description of the expected growth in the elderly population suggests that there is a robust and ongoing demand for elderly housing. To this end, the report goes to note that:

“Absorption for newer products in this market has been favorable. Conifer Village at Oakcrest, a 120-unit apartment complex located roughly 8.3 miles away from the Subject property was able to achieve full occupancy 6 months after opening in January of 2017. The Belnor Senior Residences, located 5.6 miles away from Subject property opened in September of 2018 and has achieved 86 percent occupancy, with expectations to be fully leased by the end of March 2019.”

By helping to meet this robust demand for elderly housing – a fact also recognized in Plan 2035, the approval of the subject application will serve the needs of elderly or physically handicapped families in the County generally.

The particulars of this project will do a number of things to meet the specific needs of its elderly resident families as well. The extensive physical common facilities and list of resident services and programs shows that the proposed use will serve the needs of its resident elderly and physically handicapped families.

(ii) Will not adversely affect the character of the surrounding residential community. The District Council shall consider the lot size, height of the building, lot coverage of all building on the property, setbacks from surrounding properties, street frontage, and sufficiency of green area when determining the proposed development’s effect on surrounding residential communities;

As has been discussed above, even though the regulations under Part 5, Division 4 of the Zoning Ordinance do not apply by virtue of the operation of Section 27-337(a)(4), the special exception site plan has been designed to be in general conformance to the regulations of the R-80 Zone for other permitted uses, with the exception of the fact that the height of the building exceeds the 40-foot limit which would otherwise be provided. Even so, additional setbacks have been provided such that the building would be approvable as a quasi-public use under the provisions of Part 5, Division 4. While the regulations of Part 5, Division 4 do not apply here, the general conformance of the proposed design to those regulations is indicative of the fact that the approval of the subject application will not adversely affect the surrounding residential community.

- (5) **In the R-E Zone, the requirements of paragraphs (1), (2), (3), and (4) of Subsection (a), above, shall be met provided that the subject property is composed of at least fifteen (15) gross contiguous acres of land, improved with a structure used as a church with an enclosed building area of at least 150,000 gross square feet. The following additional requirements shall apply:**

The subject property is located in the R-80 Zone; therefore, this section and its subsections (not reproduced here) are not applicable to the subject application.

- (c) **For the purposes of this Section, the term “elderly family” means a family which is included within age restrictions in conformance with the Federal Fair Housing Act and “physically handicapped family” means a family in which the head of the family, or his dependent, 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.**

This requirement is understood by the applicant.

7. **M-I-O Analysis:** The subject property is in the height restriction zone (Conical Surface, Left Runway (E)) of the M-I-O Zone. The provisions of Section 27-548.54(e)(2)(D) of the Zoning Ordinance apply as follows: the distance between the Surface A and the nearest boundary of the subject property is 8,501 feet, and the distance between the subject property and the border of Surfaces D and E is 1,735 feet; the subtotal per Section 27-548(e)(2)(D)(i): 8,501 minus 1,735 equals 6,766; and 6,766 divided by 20 equals 338, and 150 added to that yields 488 feet. Finally, the provisions of Section 27-548.54(e)(2) of the Zoning Ordinance require that the difference between the highest elevation on the subject property (242 feet) and the height of the runway surface (274 feet), or 32 feet, be added to the 488-foot height to yield a highest permissible structure of 520 feet.

The Zoning Ordinance’s definitions of the height limit surfaces strongly suggest that the 520-foot height limit at the subject site is not the actual intended result; Surface E, the ‘Conical Surface,’ is defined as, “an inclined imaginary surface extending outward and upward from the outer periphery of the inner horizontal surface...The slope of the conical surface is 20:1.” Surface D, the ‘Inner Horizontal Surface,’ is defined as, “an imaginary surface that is an oval plane at a height of 150 feet above the established airfield elevation.” Therefore, a property which is located 1,735 feet from the border of Surfaces D and E should limit a structure thereon only by an additional 86 feet (or the 1,735-foot horizontal distance divided by the 20:1 slope of the conical surface) above the 150-foot height of Surface D. Further applying the provisions of Section 27-548.54(e)(2), as was done above, would then yield a highest permissible structure of 268 feet.

The overall height of the proposed building is not shown on the architectural elevations but appears to be approximately 50-65 feet at its highest point, which should be well within the M-I-O Zone height limitation.

8. **Parking Regulations:** Section 27-568(a)(1) of the Zoning Ordinance requires 0.66 parking spaces per dwelling unit for a housing development for the elderly or physically handicapped. A total of 61 spaces are provided, which exceeds the minimum requirement of 60 spaces for the use. No loading space is required, and none is provided.
9. **2010 Prince George's County Landscape Manual Requirements:** The application is subject to the following sections of the Landscape Manual: Section 4.1, Residential Requirements (for multifamily development); Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements.

Section 4.1 of the Landscape Manual requires multifamily dwellings located in the Developing and Rural Tiers to plant a minimum of one (1) major shade tree per one thousand, six hundred (1,600) square feet or fraction of green area provided. Per Section 4.1(c)(4)(D), up to one-quarter (1/4) of the number of required shade trees may be substituted on a two-to-one (2:1) basis by the use of ornamental or evergreen trees. The Section 4.1 table included in the landscape plan reflects a total area of 41,590 square feet of provided green space, requiring 26 shade trees. A total of 23 shade trees, 1 ornamental, and 5 evergreen trees are proposed for the site, which is in conformance with requirements of this section.

Section 4.2 of the Landscape Manual requires one of four landscape strip options for sites within the developing tier. The Section 4.2 schedules included on the landscape plan for frontage along Schultz Road and Springbrook Lane show conformance with the requirements.

Section 4.3 of the Landscape Manual requires parking lots that are between 7,000 to 49,999 square feet to provide 8 percent of the interior of the parking lot as planting area. The Section 4.3 schedules included on the landscape plan show conformance to the requirements.

In accordance with Section 4.7 of the Landscape Manual, a Type B bufferyard is required when a multifamily use is adjacent to single-family detached houses. A Type B bufferyard includes a minimum 30-foot building setback and 20-foot-wide landscaped yard to be planted with 80 plant units per 100 linear feet of the property line. The requirements of the Type B bufferyard is fulfilled by existing woodlands. The landscape plan provides the appropriate schedules showing conformance with the requirements.

Section 4.9 of the Landscape Manual promotes sustainable landscaping as an environmentally sensitive design approach. A percentage of plants within each plant type (including shade trees ornamental trees, evergreen trees, and shrubs) shall be native species (or cultivars thereof) and shall be identified on a planting schedule on the landscape plan. Any existing trees and/or vegetation retained in fulfillment of the requirements shall not contain invasive species, which must also be reflected in the schedule. Trees proposed in fulfillment of the requirements shall not be planted on slopes steeper than three-to-one

(3:1). Conformance to this standard shall be established prior to certification of the special exception.

10. **Tree Canopy Coverage** This application is subject to the requirements of the Tree Canopy Coverage Ordinance. The subject site is located within the R-80 Zone and required to provide 15 percent of the site area in tree canopy coverage (TCC). The subject site is 3.53 acres in size and a total of 0.53 acres or 23,065 square feet of TCC is required. The TCC schedule provided indicates that 23,051 square feet of TCC is required, which should be corrected. However, the TCC schedule shows that 52,607 square feet of TCC is to be provided, exceeding, and satisfying the requirement.

The regulated environmental features on the subject property have been preserved and/or restored in a natural state to the fullest extent possible based the limits of disturbance shown on the TCP2 and the evaluation provided with Special Exception SE-4823.

11. **Signage:** Per Section 27-618(c) of the Zoning Ordinance, a maximum sign area of 48 square feet is allowed for the permanent identification of an apartment house or complex in any multifamily residential zone. A single monument sign with an area of 47.85 square feet is proposed at the entrance of the site. The proposed sign is in conformance with the requirements of this section.
12. **Primary Management Area (PMA) Impacts:** Based on the SOJ in support of impacts to regulated environmental features, the applicant is requesting a total of three impacts, as described below:

Impact 1-PMA impacts totaling 1,489 square feet are requested for the construction of a road widening of Schultz Road. The impact area will disturb steep slopes and 100-year floodplain.

Impact 2-PMA impacts totaling 1,420 square feet are requested for the construction of one SWM outfall structure. The impacts are to the stream buffer and 100-year floodplain.

Impact 3-PMA impacts totaling 626 square feet are requested for construction of a stormwater conveyance for one piped system to the outfall structure. The impact area will disturb steep slopes.

Analysis of Impacts

The subject application area has an existing stream with a floodplain along the western boundary line. These on-site floodplain and PMA impacts are necessary for the following reasons. Access into the site is limited and the frontage along Schultz Road is required to be widened and brought up to county road code standards with a curb and gutter. Also, this road work will need to grade the adjacent slopes to tie into existing grades. There is one proposed outfall structure for the development that will outfall in the on-site floodplain. This outfall is located on the west side of the proposed senior living building and will discharge stormwater from a proposed stormwater facility. The last PMA impact is the proposed stormwater conveyance piping from a proposed stormwater facility to the previously mentioned stormwater facility and outfall structure. These impacts are necessary for the orderly and efficient development of the subject property.

The proposed PMA impacts for site access and necessary infrastructure are supported.

13. 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. Community Planning Division, dated February 8, 2021 (Tariq to Sievers)
- b. Transportation Planning Section, dated February 22, 2021 (Saunders to Sievers) and Bike and Pedestrian Review, dated February 24, 2021 (Ryan to Sievers)
- c. Environmental Planning Section, dated February 24, 2021 (Schneider to Spradley)
- d. Historic Preservation Section, dated January 15, 2021 (Stabler to Sievers)
- e. Urban Design Section, dated February 22, 2021 (Bossi to Sievers)
- f. Special Projects, dated February 22, 2021 (Perry to Sievers)
- g. Subdivision Review Section, dated February 23, 2021 (Gupta to Sievers)
- h. Prince George's Parks Department, dated February 24, 2021 (Burke to Sievers)
- i. Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) Site/Road, dated, February 2, 2021 (Giles to Sievers) and DPIE Water/Sewer, dated January 12, 2021 (Branch to Sievers)

RECOMMENDATION

A special exception use is considered compatible with uses permitted by-right within the One-family Detached Residential (R-80) Zone if 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-80 Zone.

Based on the applicant's statement of justification, 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 27-337, for apartment housing for elderly or physically handicapped families, of the Prince George's County Zoning Ordinance, in this instance. Therefore, staff recommends approval of Special Exception SE-4830, 8230 Schultz Road Senior Housing, subject to the following conditions of approval:

1. Prior to certificate approval of Special Exception SE-4830, the applicant shall revise the special exception plan as follows:

- a. Provide details and a cost estimate for the private on-site recreational facilities, including a floor plan for any interior recreational amenities.
- b. Revise General Note 4 to use language consistent with proposed use, as defined in Section 27-441(b) of the Prince George's County Zoning Ordinance: "Apartment housing for elderly or handicapped families in a building other than a surplus public-school building".
- c. Show the retaining wall on the special exception plan that is west of transformer pads in the western corner of the site on landscape and tree conservation plan plans. Note the top and bottom elevations of the proposed wall and provide a design detail.
- d. Revise the photometric plan to remove the sidewalk shown to the east and southeast of the building.
- e. Update the general notes on the special exception plan to reflect that the site is within the Military Installation Overlay (M-I-O) Zone for height limitation. Provide the required calculation to show that the height of the proposed building conforms to the M-I-O Zone criteria.
- f. Remove site lighting details from the landscape plan and place them on the photometric plan.
- g. Correct the tree canopy coverage (TCC) schedule to show the corrected TCC quantity for the project.
- h. Revise architectural plans to show the overall height of the building, and to revise the design of southern façade, to include the use of architectural treatments and materials that are consistent with the design of other elevations.
- i. Revise the special exception site plan to comply with any applicable conditions of the preliminary plan of subdivision, once approved.
- j. Revise General Note 5 to state that the property consists of Part of Lot 71 and provide plat reference Plat Book 7-93.
- k. Correct the misspelled label for the unmitigated 65 dBA noise line.
- l. Show the mitigated 65 dBA noise line or area.
- m. Provide a general note addressing how noise attenuation for interior of dwellings and outdoor activity areas is proposed to be provided.
- n. Provide two bicycle racks (Inverted U-style or a similar style that provides two points of contact) located convenient to the entrance of the building and a detail sheet showing specifications.

2. Prior to signature approval of the special exception, the Type 2 tree conservation plan shall be revised as follows:
 - a. Add the proposed note:

Off-site Woodland Conservation:

“The location of off-site woodland conservation requirements shall be in accordance with the priorities listed in Section 24-122(a)(6): within the same eight-digit sub-watershed; within the same watershed; within the same river basin, within the same growth policy tier; or within Prince George’s County. Applicants shall demonstrate to the Planning Director or designee due diligence in seeking out appropriate locational opportunities for off-site woodland.”
 - b. Revise the revision blocks with the new updated information and update the qualified professional certification block with a signature and date.
3. Prior to the approval of a preliminary plan of subdivision, the applicant and the applicant’s heirs, successors, and/or assignees shall provide an easement along the master plan Pea Hill Branch Connection shared-use path on the west side of the subject property, in accordance with the Prince George’s County Department of Parks and Recreation.
4. Prior to signature approval of the special exception, the special exception and Type 2 tree conservation plan shall show the final location of the stream valley trail.
5. Prior to the certification of the Type 2 tree conservation plan (TCP2) for this site, documents for the required woodland conservation easements shall be prepared and submitted to the Environmental Planning Section for review by the Office of Law, and submission to the Office of Land Records for recordation. The following note shall be added to the standard TCP2 notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber ____ Folio____. Revisions to this TCP2 may require a revision to the recorded easement.”
6. Prior to the issuance of any permits, which impact wetlands, wetland buffers, streams or Waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.