



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

SPECIAL EXCEPTION APPLICATION NO. 4467

Application	General Data
Project Name: Chestnut Oaks Senior Housing Location: North side of Palmer Road approximately 2,700 feet west of Tucker Road. Applicant/Address: Porestsky Palmer LLC Palmer Land LLC 6939 Georgia Avenue, N.W. Washington, D.C. 20012-2456	Date Accepted: 12/27/02
	Planning Board Action Limit: N/A
	Plan Acreage: 21.2
	Zone: R-E
	Dwelling Units: 157
	Square Footage: 182,000
	Planning Area: 76B
	Council District: 08
	Municipality: None
200-Scale Base Map: 211SE02	

Purpose of Application	Notice Dates
Planned Retirement Community	Adjoining Property Owners: (CB-15-1998) 12/30/02
	Previous Parties of Record: (CB-13-1997) N/A
	Sign(s) Posted on Site: N/A
	Variance(s): Adjoining Property Owners: N/A

Staff Recommendation		Staff Reviewer: Catherine H. Wallace	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

December 10, 2003

TECHNICAL STAFF REPORT:

TO: The Prince Georges County Planning Board
The Prince Georges County District Council

VIA: Arie Stouten, Zoning Supervisor

FROM: Catherine H. Wallace, Planner Coordinator

SUBJECT: **Special Exception Application No. 4467**

REQUEST: Planned Retirement Community

RECOMMENDATION: **APPROVAL; with conditions**

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 subject property is located on the northwest side of Palmer Road, about 3,600 feet east of its intersection with Indian Head Highway and about 2,700 feet west of Tucker Road. The 21-acre site contains two sections. The southern section (known as Parcel G) contains almost 10 acres and has approximately 950 feet of frontage on Palmer Road. This is the section that is proposed to be developed with senior housing. The balance of the site is located to the northwest of the first section and is proposed to be left in open space.

The property is undeveloped and wooded. It is characterized by moderate to severe topography. A tributary to Henson Creek bisects the two sections and runs along the northern border of the southern section. The site also contains wetlands and a 100-year floodplain associated with the Henson Creek watershed.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-E	R-E
Use(s)	undeveloped	senior housing
Acreage	21.2	21.2
Lots	N/A	N/A
Parcels	G, 10, F, 288	G, 10, F, 288
Square Footage/GFA	None	182,000
Dwelling Units:		
Multifamily		157

C. **History:** The 1984 Subregion VII Sectional Map Amendment classified this property in the R-E Zone. There has been no zoning activity on the site since the last comprehensive rezoning.

D. **Master Plan Recommendation:** The 2002 General Plan places the site in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The 1981 Master Plan for Subregion VII shows the subject site as a future elementary school.

E. **Request:** This application is for a retirement community of 157 dwelling units to be located in a single four- to five-story structure. The proposal calls for 75 percent of the units to be two-bedroom apartments and the rest to be one-bedroom apartments. Occupancy of the apartments will be restricted by covenant to retirement-aged individuals 62 years or older. The facility will not provide assisted living. A variety of indoor amenities such as an exercise room and a movie theater are proposed for recreation and social opportunities for the residents.

F. **Neighborhood and Surrounding Uses:** The staff concurs with the applicant’s proposed neighborhood boundaries:

North—Henson Creek

East—Tucker Road/Allentown Road

South—Hunters Mill Creek

West—Indian Head Highway

The neighborhood includes a variety of residential living areas ranging from multifamily apartments and townhouse condominiums to single-family detached homes. The eastern end of the neighborhood is dominated by two Class III fill operations (Palmer Road and Panorama) and the Palmer Road rubble fill. (See map.)

Immediately surrounding the subject site are the following uses:

North and east—large lot residences and undeveloped land in the R-E Zone.

South—(across Palmer Road) Single-family detached houses in the R-R Zone.

West—Pinewood Townhouse Condominiums (R-18 Zone) and the Devon Hills Apartments (R30-C Zone).

G. Specific Special Exception Requirements—Sec. 27-395—Planned Retirement Community:

(a) A planned retirement community may be permitted, subject to the following criteria:

(1) Findings for approval.

(A) The District Council shall find that:

(i) The proposed use will serve the needs of the retirement-aged community;

The proposed use will serve the needs of the retirement-aged community. The applicant points out that a 1999 report of the Senior Citizens Task Force indicates that the size of the over-65 population group in the county is expected to double in the next decade. The task force also noted few housing options for seniors in the Indian Head corridor, while finding a large concentration of emerging seniors and future seniors there. According to M-NCPPC research staff, data from the 2000 census confirms that fact. The southern end of the Indian Head Highway corridor has a 65-and-over population percentage that is more than 50 percent greater than the county average.

The location of the property near Indian Head Highway provides reasonable access to shopping and health facilities. Livingston Square Shopping Center is located a little over a mile from the site, and Fort Washington Hospital Center is located about four miles from the site. A nine-hole golf course (Henson Creek Golf Course) is located within a mile of the site.

The applicant is proposing a facility that will provide conveniences and amenities to the residents in the building. The site plan notes that these amenities will include a beauty salon, health suite, exercise room, movie theater, arts and crafts room, business center, library, and a card/billiard room. It is recommended that the applicant add some outdoor recreational opportunities in the form of additional pedestrian paths, picnic areas, a larger patio, outdoor furniture, and small-scale recreational equipment such as horseshoe pits and tetherball or shuffleboard.

(ii) The proposed use will not adversely affect the character of the surrounding residential community;

The subject property is surrounded by residential development of varying densities. Those portions of the neighborhood most directly affected by the proposed use include single-family detached homes to the south and a two-story condominium townhouse development to the west (Pinewood). There are also several large lots in the R-E Zone to the north and east, most of which are undeveloped.

The proposed apartment building, which ranges from four stories to five stories in height in one section of the western wing, is certainly of a size and scale that sets it apart from the nearby single-family detached homes. But it is not out of character with the more densely developed townhouses and apartment buildings just west of the site. Furthermore, the building will be set back about 185 feet from Palmer Road, 185 feet from Pinewood, and at least 96 feet from the rear of the large R-E-zoned parcels to the north. The site is heavily wooded, and the proposed development will retain wooded buffers around the entire periphery of the site, except for that portion along the entrance to the site from Palmer Road.

The topography of the property slopes rather steeply away from Palmer Road. This will permit the parking lot and first floor elevation of the building to be constructed below the elevation of Palmer Road, further reducing the size and scale of the building. Finally, the architectural elevations and the rendering of the front façade of the proposed building demonstrate architectural elements and building materials consistent with traditional residential building styles, further increasing the compatibility of the proposed use with the surrounding area.

At least one resident in each household will be age 62 or older; so many residents are not likely to be employed. Also, opportunities for services such as the beauty salon and recreational activities will tend to reduce the number of automobile trips generated by the residents. Retirement communities are generally rather quiet neighbors, and this proposed facility should blend in harmoniously with the surrounding area.

(iii) In the R-A Zone...

The property is in the R-E Zone; therefore this section is not applicable.

(2) Site plan.

(A) In addition to the requirements of Section 27-296(c), the site plan shall set forth the proposed traffic circulation patterns.

Transportation Section staff provided the following comments:

While the Palmer Road/MD 210 intersection is operating at failing levels-of-service, it is noteworthy that the subject application is projected to add approximately half of its generated trips (6 AM, 8 PM) toward that failed intersection. During a typical AM peak hour, approximately 5,700 cars pass through the intersection in various directions. An additional 6 cars represent less than two-tenths (0.11%) of one percent of the total vehicular activity. It is unlikely such a small increment in vehicular activity would have a discernable impact on such an intersection. During the evening peak hour, an additional 8 trips through the intersection with 6,600 vehicular trips would have a similar marginal impact.

It has been brought to staff's attention that there may be inadequate sight distance

along Palmer Road (due to its vertical geometry) in the vicinity of the proposed entrance to the subject property. To that end, staff made a field inspection, and it was concluded that the existing sight distance was adequate.

Regarding on-site traffic circulation, there are no issues. However, the location of the single access to the site could potentially be problematic in the future. Directly opposite the proposed site is the Lynnalán Acres subdivision, which has been platted with two proposed access points on Palmer Road. A section of this subdivision is currently under construction; however, based on aerial photographs, it appears that the Della Lane access point is currently not built. The centerline of the future Della Lane is approximately 120 feet east of the centerline of the proposed driveway for the subject application. Ideally, it would be desirable to have the driveway for the proposed development to be coincident with the centerline of the platted Della Lane. By having both driveways in alignment with each other, there would be a full median opening along Palmer Road upon its upgrade to a dualized arterial as currently planned. However, due to topographic and other engineering considerations, it appears that relocating the proposed driveway to the east is not feasible. Consequently, should Palmer Road be upgraded to a dualized arterial road, the proposed access point to the subject property will be limited to a right-in, right-out access only.

(3) Regulations.

- (A) Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, dwelling unit types, and other requirements of the specific zone in which the use is proposed shall not apply to uses and structures provided for in this Section. The dimensions and percentages shown on the approved site plan shall constitute the regulations for a given Special Exception.**

The applicant proposes the following:

Multifamily apartments
Building height—40 feet
Lot coverage—12 percent
Density—7.4 dwellings per acre
Frontage—944.6 feet along Palmer Road
Front setback—185 feet from Palmer Road
Front setback—94 feet from Mildred Lane (a platted, but not built street), and 185 feet from Pinewood Condominiums)
Sideyard setback—185 feet from an R-E-zoned parcel to the east
Rearyard setback—varies from 96 to 180 feet from the R-E zoned parcels to the north

- (B) The subject property shall contain at least twelve (12) contiguous acres.**

The property contains 21.2 acres.

- (C) The average number of dwelling units per acre shall not exceed eight (8) for the gross tract area.**

The proposed density is 7.4 dwellings per acre.

It should be noted here that lot coverage and density are based upon the entire 21.2 acre tract, which is appropriate, even though the northern half of the site is somewhat physically removed from the developable part of the site. That portion of the site will remain as open space through the site plan approval part of the special exception process. Despite the fact that the actual development of the site is visually associated with the southern 10-acre parcel, it will not appear to be out of character with the surrounding scale and intensity of development due to the generous setbacks, landscaping and wooded buffers.

(D) In the R-A Zone, buildings shall not exceed three (3) stories.

This is not applicable to the subject site, which is in the R-E Zone.

(E) In the I-3 Zone...

Not applicable to the subject application.

(F) In the I-3 and C-O Zones...

Not applicable to the subject application.

(4) Uses.

- (A) The planned retirement community shall include a community center or meeting area, and other recreational facilities which the District Council finds are appropriate. These recreational facilities shall only serve the retirement community. The scope of the facilities shall reflect this fact. The Council may only permit a larger facility which serves more than the retirement community if the facility is harmoniously integrated with the retirement community and the surrounding neighborhood. All recreational facilities shall be constructed prior to, or concurrent with, the construction of the residential units, or in accordance with a schedule approved by the District Council;**

The proposed site plan lists a number of social/recreational facilities proposed for the building. These include a beauty salon, health suite, main lounge, exercise room, movie theater, arts and crafts room, business center, library and card room/billiard room. Proposed outdoor facilities include a small patio shown at the rear of the building and a pedestrian system referenced in the applicant's statement but not fully shown on the plan. The plan shows only basic sidewalk connections from the parking lot to the front of the building.

The proposed indoor facilities are very appropriate for the retirement age population. Although a designated community center is not included, an extensive package of indoor recreation and social amenities satisfied this requirement. (See Terrace Floor Common Area Plan). As proposed, however, the site will lack any real outdoor amenities. Given that walking is a beneficial outdoor exercise, a pedestrian system should be provided to surround the building. The patio area should be

enlarged to 5,000 square feet and should include a fountain or similar focal point and a variety of outdoor furniture. In addition, some small-scale recreational equipment should be provided. Examples of this equipment include tetherball, horseshoe pits and shuffleboard. (See Urban Design memorandum from Ruth Grover, March 7, 2003.)

Finally, the site plan should note that the recreational package will be provided concurrent with the construction of residential units, or a schedule for their construction must be provided and approved prior to the final approval of this special exception.

- (B) Retail commercial uses, medical uses, health care facilities, and other uses which are related to the needs of the community may be permitted.**

No retail or medical facilities are proposed. The proposed health suite offers the possibility of simple medical care, such as the services of a podiatrist, although this has not been clarified. The beauty salon is a service for the residents of the building. The site plan should reflect the fact that the site amenities are for the use of residents and their guests only.

(5) Residents' age.

- (A) At least one (1) resident of each household shall be at least fifty (50) years old, unless the applicant can demonstrate that a lesser minimum age requirement should be approved. No permanent resident of the planned retirement community shall be under eighteen (18) years old. Covenants setting forth the minimum age of the residents shall be submitted with the application. The covenants shall be approved by the District Council, and shall be filed in the land records at the time the subdivision plat is recorded. No change in the minimum age shall be permitted, unless both the covenants and the Special Exception have been amended.**

The applicants have indicated verbally that the proposed retirement community will be restricted to residents aged 62 or above; however, the proposed covenants have not been revised to reflect that intent. Although the Zoning Ordinance allows the head of household to be 50 years old or older, the typical retirement community resident is much older. Clearly, the older the residents, the less likely they are to be employed and to contribute to peak-hour traffic. In this case, the nearest critical intersection has a failing level of service. Restricting the age of one household member to at least 62 will ensure that peak-hour traffic generation on the site will, indeed, be minimal.

(6) Recreational facilities.

- (A) Covenants guaranteeing the perpetual maintenance of recreational facilities, and the community's right to use the facilities, shall be submitted with the application. The covenants shall be approved by the District Council, and shall be filed in the land records at the time the subdivision plat is recorded. If the recreational facilities are to be part of a condominium development, a proposed condominium declaration showing the recreational facilities as general common elements shall be approved by the District Council, and shall be**

recorded (pursuant to Title II of the Real Property Article of the Annotated Code of Maryland) at the time the subdivision plat is recorded.

The applicant has provided proposed covenants to guarantee the perpetual maintenance of recreational facilities constructed in accordance with the special exception for the planned retirement community.

- H. **Parking Regulations:** The applicant proposes to provide 110 parking spaces for the building, based on .66 spaces per dwelling unit. This requirement is consistent with the parking requirements for housing for the elderly, which is restricted to citizens 62 years of age or older. Therefore, the proposed number of parking spaces will meet the requirements of Part 11 of the Zoning Ordinance. Because the amenities will be limited to the use of residents and their guests, additional parking spaces will not be required. However, the dimensions of the proposed loading space and spaces for the handicapped must be provided on the site plan. Also, the parking tabulation should be corrected to reflect .66 space per unit.

Finally, it is noted that parking needs for the retirement-aged community typically involve a somewhat larger than normal percentage of spaces for the handicapped. We, therefore, recommend that the number of spaces for the handicapped be increased from six to ten.

- I. **Landscape Manual Requirements:** The Urban Design staff provided comments on the site and landscape plans in March 2003, indicating the need to provide landscape schedules for landscape strip, buffer yards and parking lot landscape requirements. The revised landscape plan (dated July 30, 2003) provides the required information, and the Urban Design staff has found the revised plans to be in accordance with the requirements of the *Landscape Manual*.

- J. **Zone Standards:** The requirements of the R-E Zone do not apply in this case. (See Sec. 27-395(a)(3) above.)

- K. **Sign Regulations:** The site plan shows two signs at the entrance of the property. Permit Review Section staff indicate that signs identifying an apartment house or complex are permitted subject to the following:

- Maximum area per sign is 48 square feet
- On the building or premises
- One sign for the first 100 dwelling units, plus one for each additional 100 dwelling units, to a maximum of four signs (and a maximum of 192 square feet). In lieu of multiple signs, the sign area may be allocated to fewer signs.

- L. **Environmental Issues**

The M-NCPPC Environmental Planning Section offers the following comments:

Site Description

There are streams, wetlands and 100-year floodplain on the property associated with Henson Creek in the Potomac River watershed. The Subregion VII Master Plan shows an area of Natural Reserve

associated with the stream valley on the site. Current air photos indicate that most of the site is wooded. No historic or scenic roads are affected by this proposal. There are no nearby sources of traffic-generated noise. The proposed use will not be a noise generator. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Aura, Bibb, Iuka and Sassafras soils series. Marlboro Clay does not occur in this area. The site is in the Developing Tier according to the adopted General Plan.

Review of Conformance with Required Findings

Section 27-317(a)(6) of the Zoning Ordinance requires that the proposed site plan be in conformance with an approved Tree Conservation Plan.

Comment: A Type I Tree Conservation Plan will be approved with this site plan. This issue is discussed in detail in the Environmental Review section below.

Environmental Review

As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

1. This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. There are streams, wetlands and 100-year floodplain on the property associated with Henson Creek in the Potomac River watershed.

The extent of streams shown on the revised plans agrees with an approved Jurisdictional Determination for the extent of waters of the United States from the U.S. Army Corps of Engineers. The 100-year floodplain has been approved by the Prince George's County Department of Environmental Resources. The wetlands shown on the plan match well with information available to staff. Severe slopes and steep slopes with highly erodible soils are correctly shown. The expanded stream buffer is correctly shown.

In most circumstances, the expanded stream buffer is placed into a conservation easement on a final plat. Because this proposal will not require a final plat, the special exception site plan shall be the means for protection of this sensitive area. The plan proposes impacts to the expanded stream buffer in two primary locations: in a gully area near the proposed building and on the western portion of the site for the construction of a sanitary sewer line connection with an existing line. The impacts in the gully area are necessary for the grading associated with the bioretention areas. The impacts for the construction of the sewer line are necessary for the connection of the site to public sewer service. The Zoning Ordinance text that applies to these impacts is in Section 27-102(a)(13): "The purposes of the Zoning Ordinance are . . . to protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features" Staff recommends that the Planning Board find that the design as proposed meets this stated purpose because the streams and other sensitive environmental features have been preserved to the fullest extent possible.

Recommended Finding: Staff recommends that the Planning Board find that the

environmental purposes of the Zoning Ordinance have been addressed.

Recommended Condition: The following note shall be placed on the Special Exception Site Plan and the Type I Tree Conservation Plan:

"The installation of structures and roads and the removal of vegetation are prohibited within the expanded stream buffer without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

Recommended Condition: Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

2. This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in area and contains more than 10,000 square feet of woodland. The forest stand delineation (FSD) has been reviewed. The plan includes a table listing the species, size and condition of each specimen tree. The soils boundaries and information on the table conform to the *Prince George's County Soil Survey*.

Comment: No further action regarding the forest stand delineation is required with regard to this special exception review.

3. The revised Type I Tree Conservation Plan (TCP), TCPI/14/03, has been reviewed. The plan proposes clearing 5.57 acres of the existing 20.17 acres of upland woodland and clearing 0.08 acre of the existing 0.98 acre of floodplain woodland. The woodland conservation requirement has been correctly calculated as 6.53 acres. The plan proposes to meet the requirement by providing 7.01 acres of on-site preservation. The proposed preservation areas serve to protect the adjacent stream valley, create a large contiguous woodland, and provide screening and buffering from Palmer Road and adjacent properties.

Recommended Action: The Environmental Planning Section recommends approval of TCPI/14/03 subject to the following condition:

- a. *A Type II Tree Conservation Plan shall be approved prior to the issuance of any grading or building permit.*
4. The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Aura, Bibb, Iuka and Sassafras soils series. Aura soils are highly erodible and require special attention to erosion/sediment control when grading on slopes exceeding 15 percent. Iuka soils are subject to a high water table, impeded drainage, and flood hazard. Bibb soils are associated with floodplains. Sassafras soils pose no special problems for development. The proposed development is sited to avoid the areas with the most problematic soils.

Discussion: This information is provided for the applicant's benefit. No further action is needed as it relates to this special exception review. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

5. A Stormwater Management Concept Approval Letter, CSD #33959-2002-00, requires bioretention for water quality control and fee-in-lieu for water quantity control.

Discussion: No further action regarding stormwater management is required with regard to this Special Exception Site Plan.

Summary

The Environmental Planning Section recommends the following conditions, in the event that this application is approved:

1. The following note shall be placed on the special exception site plan and the Type I tree conservation plan:

“The installation of structures and roads and the removal of vegetation are prohibited within the expanded stream buffer without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

2. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

The Environmental Planning Section recommends approval of TCPI/14/03 subject to the following condition:

1. A Type II Tree Conservation Plan shall be approved prior to the issuance of any grading or building permit.

Additional Comments: A concern has been raised about the current and future water runoff from the subject property onto the adjoining Pinewood property. County law places the responsibility for the management of water runoff on the property owner. The applicant has received approval of a conceptual stormwater management plan from the Department of Environmental Resources.

The applicant’s engineer and representatives from the Pinewood Community visited the site and determined that there is, indeed, runoff from the subject property onto the adjoining site. This runoff has not been caused by any activity on the subject property. According to M-NCPPC Environmental Planning Section staff, flooding on the Pinewood property is the result of runoff from Palmer Road, which crosses the southwest corner of the subject property and then drains onto the adjoining site. The proposed development of the subject site is in a location that drains to the Henson Creek tributary north of Parcel G, not onto the Pinewood property. The conceptual stormwater management plan approval indicates that there will be no downstream increase in runoff into the tributary. However, to further ensure that water runoff crossing the subject site onto the adjoining site will be managed without detriment to Pinewood residents, the applicant has proffered the following condition:

“To address the surface water drainage between the subject property and the condominium development adjacent to the western property boundary, the applicant shall, prior to the issuance of a grading permit, either submit a copy of an executed agreement with the

condominium association which provides for improvements on the condominium property or engineer a design solution on the subject property which is reflected on the grading permit site plan. The site plan shall be revised, if necessary, to reflect any such drainage modifications.”

The Planning Board and District Council can take note of this proffer and incorporate it into a finding; however, the responsibility for managing stormwater runoff lies with the Prince George's County Department of Environmental Resources. Furthermore, adequate controls for managing stormwater runoff must be demonstrated in conjunction with, but prior to, the issuance of permits. Therefore, staff does not recommend that the approval of this special exception be conditioned on this proffer; or in other words, to attach a condition for something that is already required by current law.

M. **Required Findings:**

Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

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

With the recommended conditions, the proposed use and site plan are in harmony with the purposes of the Zoning Ordinance. The purposes of the Zoning Ordinance, as set forth in Section 27-102, seek generally to “protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County.” The Zoning Ordinance presumes that special exception uses are compatible with the zones in which they are permitted unless there are specific findings to the contrary. The subject request meets the needs of senior residents of the county and provides for a development that will be compatible with the surrounding development.

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

With the recommended conditions, the proposed use is in conformance with all the applicable requirements and regulations of the Zoning Ordinance. The application meets or exceeds the specific requirements for this use and conforms to the general requirements 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.

The Community Planning Division provided the following comments:

“2002 General Plan: This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable.

“The proposed site is shown on the 1981 Subregion VII master plan as an acquired site for an elementary school and is referenced on page 127 of the plan text. However, as noted by Public

Facilities Section staff, “This property was declared surplus by BOE in 1985. BOE owns a 10-acre site on Bock Road, which is close to the Chestnut Senior Housing property. The Bock Road site is adjacent to MNCPPC property and is being developed as the southern Tech/Rec Center. That center is being constructed so that an elementary school can also be built on the site when it becomes necessary.”

Comment: Community Planning division staff goes on to note that, “While this application addressed most of the buffering guidelines contained in the Living Area Chapter of the Master Plan, a four story multifamily development adjacent to Estate Residential land use may not provide the desired transition between land uses. An innovative design approach such as terraced and articulated building height and massing could be used so as not to overwhelm adjoining low-density residential properties. Illustrative drawings showing relationships with adjacent properties will help to determine compatibility or lack thereof with adjoining properties.”

The above comments indicate that the proposed use will not impair the integrity of the approved master plan or of the General Plan. The public school use for the site had been envisioned as a transitional use between the somewhat higher-density residential areas to the west and the lower density zoning to the east. The proposed use fulfills a similar function. In addition, the architectural elevations of the proposed facility show an articulated façade and the use of traditional residential building styles. These features, when combined with the property’s topography and the proposed setbacks and landscaping of the property, will ensure that the proposed use will be compatible with adjoining properties.

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

The proposed residential facility for the retirement-aged population will not adversely affect the health safety or welfare of other residents or workers in the area. Given the age of the proposed residents, the number of vehicular trips in an out of the complex will be minimal, especially during peak hours. The proposed access to the site meets traffic safety standards. The property will have significant vegetative screening in the form of mature wooded areas, which will mitigate the visual impacts of the proposed buildings.

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

The proposed use meets this requirement. As mentioned before, a retirement community tends to be a rather low-key neighbor, particularly when the minimum age requirement for at least one member of the household is 62. The rendering and architectural elevations indicate that the applicant proposes to construct a building with traditional residential design elements and building materials. A condition of approval will ensure that the architectural treatment shown in the architectural elevations will be used on all building facades. In addition, the property is heavily wooded; and the proposed landscape plan and tree conservation plan show substantial wooded buffers between the site and adjoining properties, as well as along Palmer Road.

As noted in the Environmental Issues section, a concern has been raised about the current and future water runoff from the subject property onto the adjoining Pinewood property. However, the proposed development of the subject site is in a location that drains to the Henson Creek tributary north of Parcel G, not onto the Pinewood property. The conceptual

stormwater management plan approval indicates that there will be no downstream increase in runoff into the tributary. It is noted that the applicant intends to address the surface water drainage between the subject property and the condominium development adjacent to the western property boundary with an agreement with the condominium association that provides for improvements on the condominium property or a design solution on the subject property.

The Planning Board and District Council can take note of this proffer and incorporate it into a finding; however, the responsibility for managing stormwater runoff lies with the Prince George's County Department of Environmental Services. Furthermore, adequate controls for managing stormwater runoff must be demonstrated in conjunction with, but prior to, the issuance of permits. Therefore, the staff does not recommend that the approval of this special exception be conditioned on this proffer. It is noted that any additional improvements on the subject property will require revisions to the special exception site plan, and possibly, the tree conservation plan.

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

The proposed site plan is in conformance with Tree Conservation Plan TCPI/14/03, which has been recommended for approval by the Environmental Planning Section. Approval of a TCP II is required prior to the issuance of grading or building permits. The TCPI should also contain a note requiring approval from the M-NCPPC Planning Director or designee prior to the removal of any vegetation within the expanded stream buffer. (See Environmental Section comments above.)

CONCLUSION:

This application for a retirement-aged community meets the requirements of the Zoning Ordinance for the general approval of a special exception and the specific requirements for a planned retirement community based on the above analysis. Staff, therefore, recommends APPROVAL of SE-4467, including APPROVAL of TCPI/14/03, subject to the following conditions.

1. The covenants shall be revised to indicate that at least one member of each household shall be at least 62 years old.
2. The site and landscape plans shall be revised to show the following:
 - a. A pedestrian path surrounding the building.
 - b. An enlarged patio, at least 5,000 square feet in size, with a fountain or similar focal point.
 - c. Outdoor seating.
 - d. Small-scale recreational facilities such as horseshoe pits, tetherball and/or shuffleboard.
 - e. A note to indicate that the recreational package will be provided concurrent with the construction of residential units, or a schedule for its construction.
 - f. A note to indicate that site amenities are for the use of residents and their guests only.

- g. The dimensions for the proposed loading space and parking spaces for the handicapped.
 - h. The parking schedule should be corrected to reflect a requirement of .66 space per dwelling unit.
 - i. A total of ten parking spaces for the handicapped.
3. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and the applicant shall submit associated mitigation plans.
4. The following note shall be placed on the Special Exception Site Plan and the Type I Tree Conservation Plan:
- “The installation of structures and roads and the removal of vegetation are prohibited within the expanded stream buffer without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
5. Architectural design elements shown on the elevations for the southern and western facades of the building shall be applied consistently on other building facades.