THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 15-30

File No. ROSP-4467-03

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed ROSP-4467-03, Chestnut Oaks Senior Housing, requesting a minor revision of the approved site plan in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on April 16, 2015, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is located on the north side of Palmer Road, approximately 2,700 feet west of its intersection with Tucker Road. The 21.2-acre site contains two sections. The southern section (known as Parcel G) contains almost ten acres and has approximately 950 feet of frontage on Palmer Road. This is the parcel that contains the Chestnut Oaks senior housing development.

The property is developed with a four-story brick and frame building. A large parking area separates the building from the street (Palmer Road). The property is characterized by moderate to severe topography. A tributary to Henson Creek bisects the property and runs along the northern border of the southern section. The site also contains wetlands and 100-year floodplain associated with the Henson Creek watershed.

The site plan shows a planned public street, Mildred Lane, between Parcels F and G with 70 feet of right-of-way. It should be noted that Mildred Lane is intended to serve undeveloped property to the north of the site, and is labeled "Not part of this plan." The site is adjacent to Palmer Road. This is a major collector roadway listed in the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* (Henson Creek-South Potomac Master Plan and SMA).

B. **Development Data Summary:**

	EXISTING	**APPROVED**
Zone(s)	R-E	R-E
Use(s)	Senior Housing	Senior Housing
Acreage	21.2	21.2
Lots	N/A	N/A
Parcels	G, F,10, 288	G, F,10, 288
Square Footage/GFA	182,000	182,000
Dwelling Units:		
Multifamily	157	157

C. **History:** The special exception consists of four legal parcels of land. Parcel 288 and part of Parcel 10 have not been subdivided and are legal acreage parcels. Parcels F and G were the subject of Preliminary Plan of Subdivision 12-3006, approved on April 17, 1964 and recorded in the Prince George's County Land Records in Plat Book WWW 51, Plat No. 15, as Parcel C. Parcel C was further subdivided into Parcels F and G with the dedication of Mildred Lane (a public right-of-way) by a plat of resubdivision on April 9, 1974 as recorded in Plat Book WWW 87, Plat No. 61. The 1984 Subregion VII Sectional Map Amendment classified this property in the Residential-Estate (R-E) Zone. Special Exception SE-4467 was approved by the Prince George's County District Council on February 1, 2005 to permit a planned retirement community. A Planning Director level revision to the special exception (ROSP-4467-01) was approved on November 8, 2006 to permit the addition of a fire hydrant, the relocation of two transformer buildings, and the addition of 25 parking spaces. A second revision to the special exception (ROSP-4467-02) was approved on December 13, 2007 to permit the addition of 14 parking spaces.

D. **Master Plan Recommendation:** The *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) places the site in the Established Communities area of the Prince George's County Growth Policy Map. The vision for the Established Communities area in Prince George's County is to have context-sensitive infill and low- to medium-density development. The application is consistent with the Henson Creek-South Potomac Master Plan and SMA. This property is within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) area. The property is within Imaginary Surface F. This property is outside of the 65 dBA Ldn noise contour.

E. **Request:** The applicant seeks approval of a minor revision of the approved site plan to add additional parking spaces to serve the Chestnut Oaks planned retirement community. This third revision would add 18 additional parking spaces.

F. **Neighborhood and Surrounding Uses:** 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.

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 Rural Residential (R-R) Zone

West— Pinewood Townhouse Condominiums in the Multifamily Medium Density Residential (R-18) Zone and the Devon Hills Apartments in the Multifamily Low Density Residential Condominium (R30-C) Zone

G. **Minor Change Provisions:** Section 27-325(b) of the Prince George's County Zoning Ordinance, which governs minor revisions to special exception site plans, provides that:

(1) The Planning Board is authorized to approve the following minor changes:

(A) An increase of no more than fifteen percent (15%) in the gross floor area of a building;

(B) An increase of no more than fifteen percent (15%) in the land area covered by a structure other than a building;

(C) The redesign of parking or loading areas; or

(D) The redesign of a landscape plan.

The proposed revisions do not increase the gross floor area (GFA) of the building. The revisions do increase the area of land covered by a structure other than a building due to the addition of paved area for the parking spaces. The increase in land covered by a structure other than a building in this revision is increased by an additional 1.57 percent. The total land coverage is 14.87 percent. The change does constitute a redesign of the parking areas, and no redesign of the landscape plan is proposed.

H. **Specific Special Exception Requirements:** Pursuant to Section 27-395 of the Zoning Ordinance, the following specific requirements apply to a planned retirement community in the R-E Zone:

(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;

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

(iii) In the R-A Zone, there shall be a demonstrated need for the facility and an existing medical facility within the defined market area of the subject property.

(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.

(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.

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

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

(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;

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

(5) Residents' age.

(A) Age restrictions in conformance with the Federal Fair Housing Act shall be set forth in covenants submitted with the application and shall be approved by the District Council, and filed in the land records at the time the final subdivision plat is recorded.

(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.

Each of the above criteria was addressed when the special exception was initially approved by the District Council. The Council found that the use complied with each of the above criteria. The project is fully constructed in accordance with the Council's decision. This application proposes no changes in the building which was approved, the number of dwelling units, or the amenities. The addition of 18 parking spaces does not alter any of the findings as they relate to the specific criteria set forth in Section 27-395.

In addition, Section 27-325(a)(4) of the Zoning Ordinance provides that:

(4) The revised site plan shall comply with all applicable requirements of this Subtitle, and with any conditions, relating to the use, imposed in the approval of the Special Exception or of any applicable Zoning Map Amendment, subdivision plat, or variance.

The approved site plan as revised per SE-4467/02 complied with all of the requirements of Subtitle 27. The proposed revision simply adds additional parking to meet the needs of the development and to lessen the negative impact on the surrounding community. The District Council approved SE-4467 subject to conditions. The following conditions are relevant to this application:

1. 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.

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

The removal of sufficient vegetation to accommodate the new parking was approved pursuant to SE-4467 and did not occur within the expanded stream buffer (Condition 1). An amended Type II tree conservation plan was submitted concurrent with this minor revision for review and approval (Condition 3). There are no conditions of a zoning map amendment, subdivision, or variance which impact this minor revision.

I. **Parking Regulations:** The additional parking spaces are shown at the end of an existing parking lot. Nothing else is proposed. The transportation staff offers no objection to the change; circulation on the site is acceptable. The applicant originally provided 110 parking spaces for the building, based on 0.66 spaces per dwelling unit. Two subsequent limited minor revisions of the site plan were approved (ROSP SE-4467/01 in November 2006 for 25 spaces and ROSP-4467/02 in December 2007 for 14 spaces) which provided a total of 39 parking spaces. With the additional parking spaces proposed in this minor revision, 167 parking spaces will be provided on-site for 157 dwelling units, just over one parking space per dwelling unit.

J. **Landscape Manual Requirements:** The current application is subject to the requirements of Section 1.7, Certificate of Landscape Maintenance; Section 4.3, Parking Lot requirements; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), as indicated below:

Section 1.7, Certificate of Landscape Maintenance—The plans should be revised to include the following statement, which should be signed, sealed, and dated by a registered landscape architect:

> "I hereby certify that the site has been inspected and that landscaping has been maintained and is in compliance with the previously approved landscape plan in terms of quantity, location, species, and minimum size of plant materials, with exception to any plant material that is shown to be replaced on the subject plan."

Section 4.3, Parking Lot Requirements—The proposal is subject to Section 4.3 with regard to Parking Lot E, where the 18 spaces are to be added. A schedule for this section should be included on the landscape plan demonstrating the provision of eight percent interior planting (1,165.6 square feet) for the 14,570-square-foot Parking Lot E.

Additionally, the parking compound should be labeled to correspond to the schedule.

Section 4.9, Sustainable Landscaping Requirements—The revision of site plan is subject to the requirements of Section 4.9 for all new plantings. The required schedule, demonstrating conformance with this section, should be added to the landscape plan.

Tree Canopy Coverage
The revision of site plan is subject to the requirements of the Tree Canopy Coverage Ordinance because it involves more than 5,000 square feet of site disturbance. A schedule demonstrating conformance with the requirements has been provided on the project plans as required.

K. **Zone Standards:** No additional variances or waivers are required for this application. The height and setback requirements for the subject use were approved specifically by the District Council, as set forth in the recommendations of the Zoning Hearing Examiner's decision. The subject use continues to be in compliance with these requirements.

L. **Sign Regulations:** No signs are proposed for this revision.

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.

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

(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.

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

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

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

(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 District Council, in approving the subject use, found that the proposed use will provide housing options which encourage senior citizens to remain in or move to Prince George's County and contribute to protecting the County's tax base. In addition, the site plan achieves a balance between the development on the site and substantial topographic features, which will be preserved and will retain significant open space. The site is not located in the Chesapeake Bay Critical Area (CBCA). The proposed expansion is within the existing areas of disturbances. Staff believes that the proposed revisions will not impair the findings made by the Council.

The site has an approved Natural Resources Inventory Equivalency Letter (NRI-144-12). The site also has a Forest Stand Delineation (FSD) that was reviewed with the previous applications. The FSD shows that there are streams, wetlands and 100-year floodplain on the property associated with Henson Creek in the Potomac River watershed. The original existing woodland acreage of this area of the site was 12.44 acres; however, a portion of that woodland has since been cleared for the existing development. No additional information is required with regard to the existing conditions of the site.

This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site has previously approved tree conservation plans. It should be noted that the proposed revisions do not significantly alter the previously approved plans. The most significant change is a minimal area of additional woodland clearing (0.06 acre) and a reduction in the previously proposed on-site reforestation adjacent to accommodate the proposed parking area of this request.

The revised Type II Tree Conservation Plan, TCPII/008/05-03, has been reviewed. The TCPII plan proposes to clear an additional 0.06 acre (for a total of 6.99 cleared) of upland woodland and 0.03 acre of the existing 0.54 acre of floodplain woodland that was previously removed. Based on the additional clearing, the revised woodland conservation requirement is 5.16. The revised TCPII plan proposes to meet the requirement by providing 5.09 acres of woodland preservation, and 0.50 acre of reforestation. In general, the proposed revision remains in conformance with the Woodland and Wildlife Habitat Conservation Ordinance; however, a few revisions are required.

The revised woodland conservation areas are not significantly different from the previously approved layout. The current application for an additional parking area will impact previously proposed reforestation areas. This revision needs to show a location map and to remove some labeling within the proposed impact area. The design meets the goals of the 2005 *Approved Countywide Green Infrastructure Plan* by protecting the adjacent stream valley, creating a large contiguous woodland and providing screening and buffering from Palmer Road and adjacent properties. However, the Type II Tree Conservation Plan, TCPII-008-05-03, requires revisions.

The project has previous stormwater management concept approvals with the various applications. The last Stormwater Management Concept Approval Letter (CSD #33959-2002-00) required bioretention for water quality control and fee-in-lieu for water quantity control. No new stormwater management concept letter or plan was submitted with this application. The revised Type II tree conservation plan cannot be approved until a new stormwater management concept plan has been approved for this application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the above-noted application, subject to the following conditions:

1. Prior to signature, the Type II Tree Conservation Plan, TCPII-008-05-03, shall be revised to:

   a. Add a vicinity map to Sheet 1.

   b. Remove the crossed hatched area and the wording the reads "See Sheet 3 of 5."

   c. Have the revised plan signed and dated by the qualified professional who prepared the plan.

2. Prior to certification of the site plan:

   a. A landscape architect should provide the following language on the landscape plan, then sign, seal, and date the statement:

      "I hereby certify that the site has been inspected and that landscaping has in terms of quantity, location, species, and minimum size of plant materials, with exception to any plant material that is shown to be replaced on the subject plan."

   b. The applicant shall provide the following 2010 *Prince George's County Landscape Manual* (Landscape Manual) schedules, demonstrating conformance with the corresponding Landscape Manual section.

      (1) Schedule 4.3(c), Parking Lot Interior Planting Requirements, for Lot E.

      (2) Schedule 4.9, Sustainable Landscaping Requirements.

3. Prior to certification of the site plan, revise the General Notes to correct the existing water and sewer categories.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the Circuit Court for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Shoaff, seconded by Commissioner Bailey, with Commissioners Shoaff, Bailey, Geraldo, and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, April 16, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of May 2015.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:IT:rpg

APPROVED AS TO LEGAL SUFFICIENCY.

M-NCPPC Legal Department

Date 4/22/15