

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 [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).

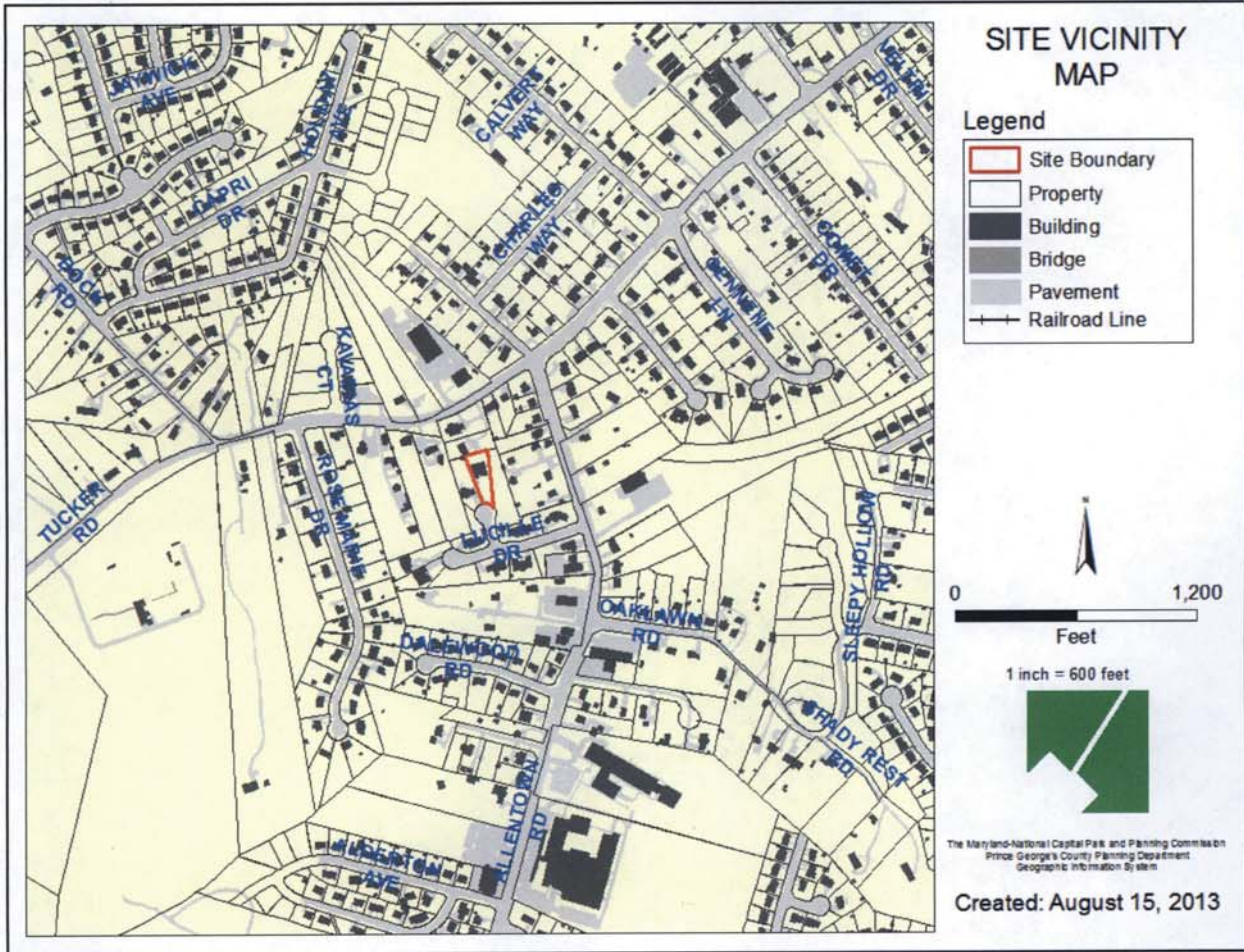
**Special Exception**  
**Departure from Design Standards**  
**Departure from Parking & Loading Standards**

**SE-4704**  
**DDS-613**  
**DPLS-373**

Application	General Data	
<b>Project Name:</b> In Loving Hands  <b>Location:</b> Located at the terminus of Lucille Court, approximately 210 feet north of its intersection with Lucille Drive.  <b>Applicant/Address:</b> Carlos Watson 8402 Lucille Court Fort Washington, MD 20744  <b>Property Owner:</b> Carlos Watson 8402 Lucille Court Fort Washington, MD 20744	Planning Board Hearing Date:	09/26/13
	Staff Report Date:	09/10/13
	Date Accepted:	04/24/12
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.48
	Zone:	R-R
	Gross Floor Area:	4,084 sq. ft.
	Lots:	1
	Parcels:	N/A
	Planning Area:	76B
	Tier:	Developing
	Council District:	08
	Election District:	05
	Municipality:	N/A
200-Scale Base Map:	211SE03	

Purpose of Application	Notice Dates	
<b>SE-4704:</b> A congregate living facility for up to 15 residents in the R-R Zone. <b>DDS-613:</b> A departure of 12 feet from the required 22-foot-wide driveway aisle width and a departure from Section 4.7 of the Landscape Manual. <b>DPLS-373:</b> The waiver of three of the required four parking spaces.	Informational Mailing:	08/11/11 & 01/02/12
	Acceptance Mailing:	03/27/12
	Sign Posting Deadline:	08/27/13

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> John Ferrante <b>Phone Number:</b> 301-952-3665 <b>E-mail:</b> John.Ferrante@ppd.mncppc.org	
<b>APPROVAL</b>	<b>APPROVAL WITH CONDITIONS</b>	<b>DISAPPROVAL</b>	<b>DISCUSSION</b>
	X		



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:** Jimi Jones, Zoning Supervisor, Development Review Division

**FROM:** John Ferrante, Senior Planner, Zoning Section, Development Review Division

**SUBJECT:** **Special Exception Application No. SE-4704**  
**Departure from Design Standards Application No. DDS-613**  
**Departure from Parking and Loading Standards Application No. DPLS-373**  
**In Loving Hands**

**REQUEST:** **SE-4704:** A congregate living facility with up to 15 residents in the R-R Zone.

**DDS-613:** A departure of 12 feet from the 22-foot-wide minimum driveway aisle width required for two-way traffic and a departure from Section 4.7 of the Landscape Manual along the eastern and western property lines.

**DPLS-373:** The waiver of three of the required four parking spaces.

**RECOMMENDATION:** **Approval with Conditions**

---

**NOTE:**

The Planning Board has scheduled this application for a public hearing on the agenda date of September 26, 2013. The Planning Board also encourages all interested persons to request to become a person of record for this application.

Requests to become a person of record should be made in writing and addressed to The Maryland-National Capital Park and Planning Commission, Development Review Division, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please call 301-952-3530 for additional information.

---

FINDINGS

- A. **Location and Field Inspection:** The property is located at the terminus of Lucille Court, approximately 210 feet from its intersection with Lucille Drive. The property consists of 20,819 square feet in the Rural Residential (R-R) Zone and is currently improved with a detached single-family dwelling.
- B. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	R-R	R-R
Use(s)	Single-Family DU/ Congregate Living Facility with up to 8 Residents	Congregate Living Facility with up to 15 Residents
Acreage	0.48	0.48
Lots	1	1
Parcels	0	0
Square Footage/GFA	7,168	7,168
Variance	Yes (Lot Coverage)	No

- C. **History:**

**August 6, 1992**—Preliminary Plan of Subdivision 4-92059 and Type I Tree Conservation Plan TCPI-003-92 were approved by the Planning Board for Lots 1 through 11 and Parcel A, Block A, and Lot 1, Block B, Krause’s Addition to Bird Lawn (PGCPB Resolution No. 92-221).

**October 4, 1994**—Final Plat VJ 170@80 was recorded in Prince George’s County Land Records for Krause’s Addition to Bird Lawn.

**September 15, 1994**—Type II Tree Conservation Plan TCPII-079-94 was approved for Krause’s Addition to Bird Lawn. Five subsequent revisions to the approved Type II tree conservation plan have been approved since that time.

**July 10, 2002**—Appeal No. V-79-02 was approved by the Board of Zoning Appeals to permit the new construction of a detached single-family dwelling and driveway that is in excess of the 25 percent maximum amount of lot coverage allowed in the R-R Zone. A variance of 2.5 percent was granted.

**July 22, 2002**—Building Permit 20431-2002 was approved for the new construction of a detached single-family dwelling and a driveway.

**July 18, 2007**—Use and Occupancy Permit 27720-2007-00 was approved by the Permit Review Section for a congregat living facility for the elderly and physically-handicapped with up to eight residents.

**March 21, 2013**—Alternative Compliance AC-11030 was denied by the Planning Director.

**June 26, 2013**—Natural Resources Inventory Equivalency Letter NRI-066-13 was issued by the Environmental Planning Section.

- D. **Master Plan Recommendation:** The 2002 *Prince George's County Approved General Plan* locates the subject property within the Developing Tier. The vision for 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.

**General Plan:** Within a memorandum dated May 31, 2012, the Community Planning South Division stated that the subject application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier by maintaining low- to moderate-density land uses.

**Master Plan:** Within a memorandum dated May 31, 2012, the Community Planning South Division stated that the subject application conforms to the residential low-density land use recommendation 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).

The Henson Creek-South Potomac Master Plan and SMA retained the subject property in the R-R Zone.

- E. **Request—SE-4704:** The applicant, In Loving Hands, seeks approval of a special exception application for a congregate living facility in the R-R Zone with up to 15 elderly or physically-handicapped residents.

Section 27-107.01(a)(54) of the Zoning Ordinance defines a congregate living facility as follows:

- (54) **Congregate Living Facility:** A residential facility for four (4) to twenty (20) elderly or physically handicapped residents, within which sheltered care services are provided, which may include, but need not be limited to, living and sleeping facilities, meal preparation, laundry services, housekeeping, personal observation and direction in the activities of daily living, transportation for routine social and medical appointments, and the availability of a responsible adult for companionship or nonclinical counseling. The term shall not include an "Adult Day Care Center," "Hospital," "Nursing or Care Home," "Family," or "Group Residential Facility," as defined elsewhere in this Subtitle. A Congregate Living Facility shall comply with the licensing and other regulatory requirements of Subtitle 12, Division 7, of this Code.

**Request—DDS-613:** In conjunction with the applicant's special exception request, the property is now subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual) as well as the parking space requirements and design standards contained in Part 11 of the Zoning Ordinance. As a result, the applicant is requesting a departure of 12 feet from the required 22-foot-wide driveway aisle width and a departure from Section 4.7 (Buffering Incompatible Uses) of the Landscape Manual along the eastern and western property lines.

**Request—DPLS-373:** The applicant had requested a departure to waive five of the six required parking spaces. However, there is an error on the site plan's parking schedule concerning the total number of parking spaces that are required to serve the property. The parking schedule indicates six parking spaces are required to serve the property when only four are required.

Due to the spacial constraints associated with the existing residential driveway, the applicant proposes to provide only the required van-accessible parking space for the physically-handicapped. As a result, the correct departure the applicant should be requesting is the waiver of three of the required four parking spaces.

- F. **Neighborhood and Surrounding Uses:** Within the submitted statement of justification, the applicant describes the property as being situated south of the Capital Beltway (I-95/495), east of Indian Head Highway (MD 210), and just west of Allentown Road.

The applicant described the location of the property, but did not submit specific neighborhood boundaries. Therefore, staff submits that the appropriate neighborhood to be considered in this case is bounded to the north by Allentown and Tucker Roads, to the south by Steed and Allentown Roads, to the east by Temple Hill Road and Tinkers Creek, and to the west by Indian Head Highway (MD 210).

The property is surrounded by the following uses:

- North—** A detached single-family dwelling in the R-R Zone  
**West—** A detached single-family dwelling in the R-R Zone  
**South—** Lucille Court (50-foot-wide public right-of-way)  
**East—** A vacant lot in the R-R Zone

- G. **Specific Special Exception Requirements:** Section 27-344(a) of the Zoning Ordinance provides the following specific special exception requirements for a congregate living facility:

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

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

**Comment:** At the time of acceptance, the applicant was required to submit a needs assessment to the Planning Department's Research Section in order to demonstrate compliance with Section 27-344(a)(1). Within the justification statement that was submitted for the subject application, the applicant further stated the following:

“According to a study on senior housing conducted by The Maryland-National Capital Park & Planning Commission (M-NCPPC), the 65+ population is projected to grow at a faster pace in Prince George's County than in Maryland and the U.S. (Study, Part 1. Profile of Prince Georges County and DC Metro Area, Page 41) Further, the study notes that ‘Prince George's County is underserved relative to independent living, assisted living and Alzheimer's care.’ Additionally, the study concludes that ‘the elderly population will continue to increase for at least the next decade’, and so will the demand for elderly services. (Study, Part 2. Trends: Conclusions, Page 50)”

The applicant frequently must turn away potential residents due to its licensing limitations. The applicant is therefore seeking to expand an existing use that meets the

definition of a congregate living facility. Approval of the requested special exception would permit the applicant to serve a larger number of elderly residents in an intimate, friendly, home-style environment in a location that provides a tranquil residential setting.

In an email dated July 16, 2012, the Research Section stated that the applicant has met the criteria for the needs assessment and has proven that there is a demonstrated need for the facility.

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

**Comment:** Within the justification statement that was submitted for the subject application, the applicant stated the following:

“The Applicant’s facility shall comply with the physical requirements of Subtitle 12, Division 7, of this Code, and shall be operated in accordance with the licensing and other requirements of the Subtitle. Additionally, the facility will meet all applicable requirements of state and county ordinances. No alterations to the exterior of the building are being proposed, and the interior floor area of the dwelling complies with the regulations of the Maryland Department of Health and Mental Hygiene. The facility is currently licensed by, and is in good standing with, that agency.”

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

**Comment:** In Loving Hands contains eight bedrooms, ranging in size from 160 square feet to 900 square feet. The Zoning Ordinance requires a single room to contain no less than 100 square feet and a double room no less than 160 square feet. This translates into eight double rooms in the existing space, for a total of 15 residents.

- H. **Parking Regulations:** The required parking for a congregate living facility is one parking space for every four residents. The applicant proposes to have 15 residents at the facility. Therefore, the parking requirement for the proposed use is four parking spaces.

The parking schedule on the applicant’s site plan further states that two additional parking spaces are required to serve the dwelling. During the pre-acceptance review for the subject application, staff requested that the site plan be revised to show that two parking spaces are required to serve the dwelling. However, during the review of the subject application, the applicant clarified that, should the special exception application be approved for the congregate living facility, the applicant would no longer be residing on the premises. Therefore, the two standard parking spaces that are typically required for all detached single-family dwellings would no longer be needed on the property. As a result, a total of four parking spaces are required to serve the proposed use. A condition has been recommended to have the parking schedule on the site plan corrected prior to final disposition of the case to remove the required parking spaces for the dwelling.

Due to spacial constraints associated with the width of the existing driveway, the applicant proposes only to provide the required van-accessible parking space for the physically-handicapped and has requested a departure to waive the other required parking spaces. The applicant currently operates a congregate living facility with no more than eight residents which is allowed by right in the R-R Zone. In implementing the special exception use to request more than eight residents in the facility, the site would now be subject to the commercial parking lot standards contained in Part 11 of the Zoning Ordinance.

The two parking spaces in the garage will continue to be utilized by the staff of the facility for parking on a daily basis. However, the garage spaces are unable to be counted as provided parking spaces because a vehicle would have to "drive-through" and/or "back-over" the van-accessible handicapped parking space in order to gain access to the two parking spaces inside the garage. Piggyback parking is not allowed for any use other than residential dwelling units. As a result, adequate driveway aisles cannot be provided to serve the two parking spaces inside the garage.

- I. **Prince George's County Landscape Manual Requirements:** The applicant currently operates a congregate living facility with no more than eight residents which is allowed by right in the R-R Zone. A special exception is required for a congregate living facility once the number of residents in the facility exceeds eight. In implementing the special exception use to request a congregate living facility with up to 15 residents, the site would now be considered a change from a lower to a higher impact use. As a result, the property is now fully subject to the requirements of the 2010 *Prince George's County Landscape Manual*.
- J. **Zone Standards:** Section 27-442 of the Zoning Ordinance includes regulations for development in residential zones, including the R-R Zone. Section 27-442(c) lists the maximum percentage of lot coverage allowed for various uses. For "other allowed uses," such as the proposed congregate living facility in the R-R Zone, 60 percent lot coverage is allowed.

The submitted site plan demonstrates that the existing lot coverage on the site is approximately 31 percent.

- K. **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;**

**Comment:** The primary purposes of the Zoning Ordinance are to protect public health, safety, and welfare; to promote the most beneficial relationship between the uses of land and buildings; and to protect landowners from adverse impacts of adjoining development. A congregate living facility with over eight residents is permitted through the special exception process in the R-R Zone. Therefore, there is a legislative presumption that the use can be carried out in harmony with the purposes of this Subtitle with no adverse impacts on health, safety, and welfare.

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

**Comment:** The applicant's facility shall comply with the physical requirements of Subtitle 12, Division 7, of the County Code, and shall be operated in accordance with the licensing and other requirements of the Subtitle. Additionally, the facility will meet all applicable requirements of



state and county ordinances. No alterations to the exterior of the building are being proposed as a part of the special exception application and the interior floor area of the facility complies with the regulations of the Maryland Department of Health and Mental Hygiene. The facility is currently licensed by, and is in good standing with, that agency. With the requested departures and recommended conditions, the use will be in conformance with all of 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 Master Plan, the General Plan;**

**Comment:** In a memorandum dated May 31, 2012, the Community Planning South Division stated that the subject application conforms to the residential low-density land use recommendation in the 2006 Henson Creek-South Potomac Master Plan and SMA, and further stated that the application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier by maintaining low- to moderate-density land uses. As a result, the proposed use will not substantially impair the integrity of the approved master plan or General Plan.

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

**Comment:** The applicant has operated the use on this property since approximately July 18, 2007 when Use and Occupancy Permit 27720-2007-00 was approved for a congregate living facility for the elderly and physically-handicapped with up to eight residents. Adding seven more residents to the facility, as proposed through the subject special exception application, will have no adverse effects on 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; and**

**Comment:** The residents of the facility are primarily 75 years of age or older. From the outside, the facility has the appearance of a typical detached single-family dwelling, and that is what the applicant hopes to maintain under the current proposal. By requesting the companion departure applications, the applicant is hoping to avoid installing a commercial parking compound in the front yard that would alter the appearance of the existing residential use and character of the neighborhood.

According to a study on senior housing conducted by The Maryland-National Capital Park and Planning Commission (M-NCPPC), the 65+ population is projected to grow at a faster pace in Prince George's County than in Maryland and the U.S. (Study, Part 1. Profile of Prince George's County and DC Metro Area, Page 41). Further, the study notes that "Prince George's County is underserved relative to independent living, assisted living and Alzheimer's care." Additionally, the study concludes that "the elderly population will continue to increase for at least the next decade," and so will the demand for elderly services (Study, Part 2. Trends: Conclusions, Page 50).

The applicant frequently must turn away potential residents due to its licensing limitations which is currently capped at eight residents. Approval of the requested special exception application would allow the applicant to have seven additional elderly residents for a total of 15 residents. The facility provides an intimate, friendly, home-style environment in a location that provides a tranquil residential setting.

In an email dated July 16, 2012, the Research Section stated that the applicant has met the criteria for the needs assessment and has proven that there is a demonstrated need for the facility. The applicant proposes no new construction or increase in gross floor area, and the use has been in operation on the property since approximately 2007. Therefore, the applicant's request to add seven additional residents (for a total of 15) would 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.**

**Comment:** This property is subject to the Prince George's County Woodland Conservation Ordinance because the site has two prior approved Tree Conservation Plans, TCPI-039-07 and TCP2-079-94/06. In a memorandum dated August 19, 2013, the Environmental Planning Section stated the following:

The Environmental Planning Section finds conformance with the required environmental findings for a special exception and recommends approval of Special Exception SE-4704 and Type II Tree Conservation Plan TCPII-079-94-06, subject to the following condition:

1. Prior to final disposition of the special exception application and Type II tree conservation plan, the fee-in-lieu required to mitigate prior clearing, as shown on revised TCPII-079-94-06, shall be paid to the county Woodland Conservation Fund.

With the recommended condition, the proposed site plan will be 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.**

**Comment:** Because there are no regulated environmental features on the site except for woodland conservation under an approved and implemented Type II tree conservation plan, the site was eligible to receive a natural resources inventory (NRI) equivalency letter. On June 26, 2013, NRI-066-13 was issued for the property by the Environmental Planning Section.

- L. **Required Findings—Departure from Parking and Loading Standards DPLS-373:** Section 27-588(b)(7)(A) of the Zoning Ordinance provides that, in order for the Planning Board to grant a departure from parking and loading standards (DPLS), it shall make the following findings:

**Section 27-588. Departure from the number of parking and loading spaces required.**

**(b)(7) Required Findings**

- (A) **In order for the Planning Board to grant the departure, it shall make the following findings:**

- (i) **The purposes of this Part (Section 27-550) will be served by the applicant's request;**

**Section 27-550. Purposes**

- (a) **The purposes of this Part are:**

- (1) **To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;**
- (2) **To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;**
- (3) **To protect the residential character of residential areas; and**
- (4) **To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

**Comment:** In this case, the applicant proposes a congregate living facility with up to 15 residents in the R-R Zone. The use requires one parking space for every four residents and, therefore, requires a total of four parking spaces. This facility is located in a residential neighborhood and the applicant is concerned that, if all of the required parking were to be constructed in the front yard area of the single-family dwelling, it would certainly have a negative effect on the character of the neighborhood. The applicant's request is in compliance with the purposes of this part in seeking to protect the residential character of residential areas.

- (ii) **The departure is the minimum necessary, given the specific circumstances of the request;**

**Comment:** Due to spacial constraints associated with the width of the existing driveway, the applicant proposes only to provide the required van-accessible parking space for the physically-handicapped. The two parking spaces in the garage will continue to be utilized by the staff for parking on a daily basis. However, the garage spaces are unable to be counted as provided parking spaces because a vehicle would have to "drive-through" and/or "back-over" the van-accessible handicapped parking space in order to gain access to the two parking spaces inside the garage. Piggyback parking is not allowed for any use other than residential dwelling units. With piggyback parking not being permitted in this instance, the driveway's existing configuration could only accommodate one parking space, which in this case, has to be the van-accessible parking space for the physically-handicapped as required per ADA Standards (Americans with Disabilities Act). As a result, the departure is the minimum necessary given the specific circumstances of the request.

- (iii) **The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;**

**Comment:** A congregate living facility such as this one provides a supportive environment of care to elderly residents who are unable to live independently and require assistance with daily living activities such as bathing, dressing, toileting, eating, and the management of medications. All of the residents of this facility are approximately 75 years of age or older and they do not drive. The facility has a shuttle bus that is used to bring the residents to and from medical appointments and recreational events.

The applicant's statement of justification states that there is usually no more than two staff members at the facility at all times, and the two parking spaces in the garage are adequate to serve the staff's parking needs. The driveway is very long and has always been more than capable of providing adequate parking for any visitors. Lucille Court only serves two dwellings, with one of them being the subject property. The driveway and garage parking will provide sufficient off-street parking for the facility without negatively impacting the county right-of-way. With the facility being located in a quiet neighborhood, the applicant strives to maintain the property in a fashion that blends with the surrounding neighbors and community and is, therefore, seeking the departure in an effort to not turn the front yard area into a commercial parking lot. As a result, the departure is necessary to alleviate circumstances which are special to the subject use, given its nature at this location.

- (iv) **All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and**

**Comment:** In this case, there is only one method for calculating the number of spaces required which is based on the total number of residents that are proposed at the facility.

- (v) **Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

**Comment:** The property is located in the cul-de-sac area of Lucille Court. Lucille Court, as a whole, only serves two dwellings, with one of them being the subject property, and an undeveloped lot exists on the east side of the property. The dwelling that abuts the subject property to the west has a double-car garage and a double-wide concrete driveway that appears to be more than adequate to serve that property. Due to the pie-shaped lot configuration of the subject property and the 80-foot-wide front building restriction line that is shown on the approved final plat of subdivision for the property, the existing dwelling had to be set back approximately 141 feet from Lucille Court when it was initially constructed.

For clarity purposes, the 80-foot building restriction line is not located 80 feet from the limits of the Lucille Court right-of-way, but rather located in the area where the lot finally opens up enough to provide the minimum lot width of 80 feet at the front building line. In this case, due to the pie-shaped configuration of the property, the 80-foot front building line is set back, on an average of, approximately 130 feet from the Lucille Court right-of-way. The building restriction line ultimately dictated how far the dwelling had to be set back on the subject property, and further dictated that a very long driveway would be needed to serve the dwelling. The lot is only 20,819 square feet in size. As a result, the applicant had to obtain approval of a variance request in July 2002 from the Board of Zoning Appeals (V-79-02) for exceeding the maximum lot coverage requirement of 25 percent in the R-R Zone by 2.5 percent just to construct the large dwelling on the property and the long, mostly single-width, concrete driveway.

With the submission of a special exception application for a congregate living facility, the maximum lot coverage requirement changes from 25 percent of the net lot area (as required for a detached single-family dwelling) to 60 percent of the net lot area (as required for other allowed uses). As a result, lot coverage is no longer an issue with the proposed use and no new lot coverage is being proposed at this time. However, the very small size of this property could not accommodate the construction of a new commercial parking lot in the front yard without drastically altering the residential character of the neighborhood, and possibly not without requiring some additional clearing of woodland.

Within their August 3, 2012 memorandum, the Transportation Planning Section stated that the size of the facility does not appear to trigger the need for additional studies of traffic impacts and would typically be determined to be de minimus. The adequacy of transportation facilities is not an issue in the review of this use. The review of special exception applications is strictly within the required findings of health, safety, and welfare. Although the Transportation Planning Section did not feel that the departure was well justified in the applicant's initial justification statement, they ultimately concluded that the proposal for expanded uses on the site, in consideration that the net trip generation is relatively small, would not pose unanticipated safety issues on adjacent roadways.

In consideration that the anticipated number of peak hour trips in and out of the facility would be de minimus, and that the construction of a new parking compound in the front yard would change the residential character of the property, staff is of the opinion that a departure of three parking spaces is justified. As a result, the parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.

- (B) In making its findings, the Planning Board shall give consideration to the following:**
- (i) The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property;**

**Comment:** The area within 500 feet of the subject property is characterized by other detached single-family dwellings in the R-R Zone, all of which have their own off-street parking facilities. There is no indication of a shortage in parking spaces within the general vicinity of this facility. There are no off-street parking spaces that are available to the applicant within 500 feet of the property. However, only two properties, including the subject property, currently have vehicular access to Lucille Court. Therefore, Lucille Court could accommodate some temporary on-street parking should any overflow conditions occur on the subject property.

**(ii) The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;**

**Comment:** The Henson Creek-South Potomac Master Plan and SMA recommends a residential low-density land use for the subject property. Neither the proposed use (a congregate living facility in the R-R Zone) nor the DPLS request would have a detrimental impact on the plan's recommendation.

**(iii) The recommendations of a municipality (within which the property lies) regarding the departure; and**

**Comment:** The subject property is not located within a municipality. There are no comments or recommendations submitted by a municipality.

**(iv) Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.**

**Comment:** There are no public parking facilities proposed for this area.

**(C) In making its findings, the Planning Board may give consideration to the following:**

**(i) Public transportation available in the area;**

**Comment:** This congregate living facility provides elderly care services for residents ranging in age from 65 to 90. There is a bus stop about a quarter of a mile away, but this distance is too far for the elderly residents to walk. Some of the residents have metro access that they use where the van will come directly to the facility. This service is provided by a subcontracting company for Metro. However, the majority of the time, the facility provides transportation services through the use of their own shuttle bus which adequately meets the needs of the residents.

**(ii) Any alternative design solutions to off-street facilities which might yield additional spaces;**

**Comment:** The applicant seeks a waiver of three of the required four parking spaces and proposes to provide the required van-accessible parking space for the physically-handicapped. The double garage is available for parking and will be

utilized by the staff for parking. None of the residents at the facility drive due to their age, and the facility's shuttle bus is available to take residents to medical appointments and recreational events as needed. The applicant further believes that the existing long driveway, in its existing configuration, is more than adequate to accommodate any visitors without negatively impacting the county right-of-way.

In a memorandum dated July 2, 2012, the Department of Public Works and Transportation (DPW&T) stated that they do not support the parking departure (which at that time was requested for a total of five parking spaces) because it would impact the operation of the roadway, and they do not support the requested departure of 12 feet from the required 22-foot-wide driveway aisle (for no specific reasons stated).

DPW&T further stated that a 30-foot-wide commercial driveway entrance should be installed along with street lights, street trees, and traffic plans. DPW&T further ended the memo by stating that they have no objections to the special exception request for the proposed expansion of the congregate living facility, however, they do not support the companion departure requests, DPLS-373 and DDS-613.

In generating their comments, DPW&T did not review any traffic studies, nor were they aware of the anticipated number of peak hour trips associated with adding a total of seven more residents to this congregate living facility. By not supporting the departures in any form, they are essentially requesting that a commercial parking lot be installed in the front yard of this property. Further, in requesting the new installation of a 30-foot-wide commercial driveway entrance, (as would typically be required for a gas station, shopping mall, or other commercial or industrial use), DPW&T has no consideration in maintaining the residential character of the neighborhood, or what impact that type of commercial construction could have on the adjacent residential properties. Staff is of the opinion that requiring the applicant to install a commercial parking lot that meets all zoning requirements and a new 30-foot-wide commercial driveway entrance is unwarranted for a use that is anticipated to have a de minimus impact on AM and PM peak hour traffic.

The applicant would prefer to not add any parking to the site other than a van-accessible parking space for the physically-handicapped. They believe that the existing driveway, which is over 130 feet in length, has always been more than adequate to serve their parking needs, and will continue to be adequate with the addition of seven more residents. However, in response to DPW&T's comments, the applicant submitted an exhibit (PowerPoint Slide 15 of 21) in an effort to show the Planning Board what a possible expansion of the existing driveway would look like if six parking spaces were added, including the required van-accessible parking space for the physically-handicapped.

The issue with the applicant's exhibit is that the required 22-foot-wide driveway aisle is still not provided for any of the parking spaces. Only a 12-foot-wide driveway aisle is being provided on the plan. Only four parking spaces are required for the use and six spaces are shown on the plan. Further, like any parking expansion on this site, turn-around capability appears to be

compromised. Staff also prepared an exhibit (PowerPoint Slide 16 of 21) for the Planning Board's review showing a possible expansion of the parking compound to provide the full required 22-foot-wide driveway aisle width, the four required parking spaces, including the required van-accessible parking space for the physically-handicapped, and a 30-foot-wide commercial driveway entrance. However, constructing the parking lot in the front yard of this dwelling will negatively impact the residential character of the neighborhood, and even with the required 22-foot-wide driveway aisle width being fully provided, turn-around capability would still appear to be compromised. Currently, the applicant's home looks like all of the other homes in the neighborhood from the outside and the applicant would be unable to maintain that setting if a commercial parking lot had to be constructed in the front yard.

Although staff supports the departure request for three parking spaces, both exhibits showing a possible expansion of the parking compound are provided for the Planning Board's review. As a result, any alternative design solutions to off-street facilities which might yield additional spaces have been provided for the Planning Board's review purposes.

- (iii) **The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within five hundred (500) feet of the subject property;**

**Comment:** There are no business uses that are located within 500 feet of the subject property. The specific nature of this use is a congregate living facility that provides a supportive environment of care to elderly residents who are unable to live independently and require assistance with activities of daily living including management of medications, bathing, dressing, toileting, and eating. The applicant also provides sleeping facilities, preparation of meals, laundry services, housekeeping, transportation services to and from regular social and medical appointments, 24-hour supervision and observation, and non-clinical counseling to the elderly residents. The residents are all over 75 years of age and do not drive.

- (iv) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

**Comment:** The subject property is located in the R-R Zone. The above finding is not applicable to the subject application.

- M. **Required Findings—Departure from Design Standards DDS-613:** In conjunction with the applicant's special exception request, the property is now subject to the 2010 *Prince George's County Landscape Manual* (Landscape Manual), as well as the parking space requirements and design standards contained in Part 11 of the Zoning Ordinance. As a result, the applicant is requesting a departure of 12 feet from the required 22-foot-wide driveway aisle width that is required for two-way traffic, and a departure from Section 4.7 (Buffering Incompatible Uses) of the Landscape Manual along the eastern and western property lines.



Section 27-239.01(b)(7)(B) of the Zoning Ordinance states that:

**For a departure from a standard contained in the Landscape Manual, the Planning Board shall find, in addition to the requirements in paragraph (7)(A), above, that there is no feasible proposal for alternative compliance, as defined in the Landscape Manual, which would exhibit equally effective design characteristics.**

The alternative compliance application that was recently reviewed for the property (AC-11030) was denied by the Planning Director on March 21, 2013. The following text was derived from the staff report that was prepared by the Alternative Compliance Committee for AC-11030.

The site is subject to the *Prince George's County Landscape Manual* (Landscape Manual) Sections 4.2, 4.3, 4.7, and 4.9. The applicant has filed this request for Alternative Compliance from Section 4.7, Buffering Incompatible Uses, to allow a reduction in the width and planting units of the required bufferyards along the western and eastern property lines.

REQUIRED: 4.7 Buffering Incompatible Uses, along the western property line adjacent to a single-family residence.

Length of bufferyard	209 feet
Building setback	30 feet
Landscape yard	20 feet
Fence or wall	Yes (six-foot-high, sight-tight)
Plant units (80 per 100 l.f.)	105

PROVIDED: 4.7 Buffering Incompatible Uses, along the western property line adjacent to a single-family residence.

Length of bufferyard	209 feet
Building setback	9 feet
Landscape yard	9 feet
Fence or wall	Yes (six-foot-high, sight-tight) 157 feet or 75%
Plant units	0

REQUIRED: 4.7 Buffering Incompatible Uses, along the eastern property line adjacent to a single-family residence.

Length of bufferyard	250 feet
Building setback	30 feet
Landscape yard	20 feet
Fence or wall	No
Plant units (80 per 100 l.f.)	200

PROVIDED: 4.7 Buffering Incompatible Uses, along the eastern property line adjacent to a single-family residence.

Length of bufferyard	250 feet
Building setback	8 feet
Landscape yard	8 feet
Fence or wall	No
Plant units	0

**Justification of Recommendation:**

The applicant is requesting Alternative Compliance from Section 4.7, Buffering Incompatible Uses, along the western property line adjacent to a single-family residence, to allow a reduction in the minimum building setback, landscaped yard width, and required plant units. In this area, the applicant is proposing to provide a nine-foot building setback, and a six-foot-high, vinyl, sight-tight fence along 75 percent of the required bufferyard length. No plant units are proposed in the side landscape yard. The remainder of the required landscaped yard is to be paved as is the driveway. The applicant justifies that the existing fence provides an adequate buffer that is equal to the *Prince George's County Landscape Manual* requirement. While the committee notes that the fence will help reduce the impact of the congregate living facility on the adjoining residential use, it is not justification for the 70 percent reduction in the required building setback width, the 55 percent reduction in landscape yard, and the 100 percent reduction in the required plant units. The Alternative Compliance Committee finds that the proposal along the western property line for Section 4.7, Buffering Incompatible Uses, is not equally effective compared to the normal requirements of the *Prince George's County Landscape Manual*.

The applicant is also requesting Alternative Compliance from Section 4.7, Buffering Incompatible Uses, along the eastern property line adjacent to a vacant single-family residential lot, to allow a reduction in the minimum building setback, landscaped yard width, and required plant units. In this area, the application indicates an eight-foot-wide building setback. The applicant argues that the existing mature tree on the adjoining lot provides an adequate buffer that is equal to the *Prince George's County Landscape Manual* requirement. The adjacent lot is vacant and will most likely be built upon in the future. The existing vegetation may not remain if the lot is built upon. The 73 percent reduction in the required building setback width, the 60 percent reduction in landscape yard, and the 100 percent reduction in the required plant units does not justify the granting of alternative compliance. Landscaping on adjacent lots is only permitted to be counted towards a bufferyard if it is shown on an approved landscape plan. The Alternative Compliance Committee finds that the proposal for Section 4.7, Buffering Incompatible Uses, is not equally effective compared to the normal requirements of *Prince George's County Landscape Manual*.

**Recommendation:**

The Alternative Compliance Committee recommends DENIAL of Alternative Compliance for Section 4.7 and recommends that the applicant apply for a Departure from Design Standards to seek relief from the *Prince George's County Landscape Manual*.

**Comment:** Based on the recommendation from the Alternative Compliance Committee, the applicant has applied for the subject departure from design standards (DDS) to seek relief from the Landscape Manual.

Section 27-239.01(b)(7) of the Zoning Ordinance sets forth the required findings for a DDS:

**(A) In order for the Planning Board to grant the departure, it shall make the following findings:**

**(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

**Comment:** The purposes of the Zoning Ordinance, as set forth in Section 27-102 will be equally well or better served by granting the requested departures. These purposes include protecting and promoting health, safety, and welfare, guiding orderly growth, promoting the most beneficial relationship between land uses and buildings, encouraging economic development, and lessening the danger of traffic on the streets.

As a part of the companion special exception process, the applicant has clearly demonstrated that there is a need for the proposed congregate living facility. Although the applicant has operated this facility with eight residents since the approval of Use and Occupancy Permit 27720-2007-00 on July 18, 2007, in order to increase the number of residents beyond eight, the approval of a special exception application is required. In conjunction with the applicant's special exception request, the property is now subject to the Landscape Manual as well as the parking space requirements and design standards contained in Part 11 of the Zoning Ordinance. As a result, the applicant is requesting a departure of 12 feet from the required 22-foot-wide driveway aisle width and a departure from Section 4.7 (Buffering Incompatible Uses) of the Landscape Manual.

The size of the property is only 20,819 square feet in size, and due to the pie-shaped lot configuration of the lot and the 80-foot-wide front building restriction line that is shown on the approved final plat of subdivision for the property, the existing dwelling had to be set back approximately 141 feet from Lucille Court when it was initially constructed. As a result, a very long driveway (currently 1,780 square feet) was also needed to serve the dwelling. Further, a tree save area encumbers 16.74 percent of the lot along the rear of the property as shown on the companion Type 2 Tree Conservation Plan, TCP2-079-94/06. With the irregular-shaped lot, the location of the building restriction line, and the designated tree save area shown along the back of the property, the building envelope on the property was very small to begin with.

The applicant's developer, Krause Homes, had to obtain approval of a variance request in July 2002 from the Board of Zoning Appeals (V-79-02) for exceeding the maximum lot coverage requirement of 25 percent in the R-R Zone by 2.5 percent just to construct the large dwelling on the property and the long, mostly single-width, concrete driveway. The dwelling has a first floor building footprint of 4,084 square feet, and is 7,668 square feet in total. The structure is set back just nine feet from the property line on the west side, and eight feet from the property line on the east side. As a result, the applicant has no ability to comply with the planting and building setback requirements within Section 4.7 of the Landscape Manual.

The existing driveway is ten feet in length at its smallest point. As a result, the applicant is requesting a departure of 12 feet from the 22-foot-wide minimum driveway aisle width for two-way traffic. It is staff's opinion that congregate living facilities, such as this one, are permitted in the R-R Zone with an approved special exception because they provide

the elderly and physically-handicapped with the same residential setting as a typical dwelling would. Therefore, there is a legislative presumption that the use can be carried out in harmony with the purposes of this Subtitle with no adverse impacts on health, safety, and welfare.

In this case, the applicant proposes no increase in gross floor area and no new structures are being proposed on the property. With the approval of the requested departures, the visual appearance of this property will continue to be nothing more than that of a typical detached single-family dwelling. As long as that appearance is maintained, there would be no reason to further buffer the use from the adjacent residential properties. As a result, the purposes of the Zoning Ordinance will be equally well or better served by granting the requested departure.

**(ii) The departure is the minimum necessary, given the specific circumstances of the request;**

**Comment:** The existing dwelling's setback from the eastern and western property lines is ultimately dictating the width of any landscaped bufferyard and building setback that could be provided to fulfill the requirements of Section 4.7 of the Landscape Manual. A congregate living facility is considered a low-impact use for the purposes of Section 4.7. When the use abuts a single-family dwelling, a minimum building setback of 30 feet is required, 20 feet of which must be landscaped.

The length of the required landscaped bufferyard on the west side is 209 feet and 105 plant units are required. The length of the required landscaped bufferyard on the east side is 250 feet and 200 plant units are required. The structure is set back just nine feet from the property line on the west side and eight feet from the property line on the east side. As a result, the applicant has no ability to comply with the planting and building setback requirements within Section 4.7. A six-foot-high vinyl fence is located along a majority of the western property line where the property abuts a detached single-family dwelling, and the property to the east is heavily wooded and currently undeveloped.

Along the rear property line (the northern property line), 46 plant units are required and 80 plants units are provided. This area is a designated tree save area as shown on the companion Type 2 Tree Conservation Plan, TCP2-079-94/06. The full required landscaped bufferyard and building setback are provided in this area along with almost double the plant units required by Section 4.7. The site is also in full compliance with Section 4.2 (Requirements for Landscape Strips along Streets) and Section 4.9 (Sustainable Landscaping Requirements) of the Landscape Manual.

There is little opportunity to provide any plantings along the eastern and western sides of the dwelling where the departure is requested. A six-foot-high vinyl fence exists along a majority of the western property line and along all of the northern property line. A walkway exists around the eastern side of the dwelling adjacent to the undeveloped wooded lot which appears to possibly be for ADA access. One of the purposes of the Landscape Manual is to shield incompatible uses from each other. With approval of the requested departures, the visual appearance of this property will continue to be nothing more than that of a typical detached single-family dwelling. As a result, there would be no reason to further buffer the use from the adjacent residential properties.

Staff finds that the departure of 21 feet on the west side and 22 feet on the east side from the required 30-foot building setback, and a departure of 20 feet on both the west and east sides from the 20-foot-wide landscaped yard requirement is the minimum necessary. Further, a departure of 105 plant units on the west side and 200 plant units on the east side is the minimum necessary, given the specific circumstances of the request.

The existing driveway is ten feet wide at its smallest point. Therefore, the applicant is requesting a departure of 12 feet from the 22-foot-wide minimum driveway aisle width required for two-way traffic. Staff finds that the requested departure is the minimum necessary in order to maintain the driveway in its existing configuration.

**(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

**Comment:** The location on the dwelling and the irregular shape of the lot prevent the applicant from full complying with the requirements of Section 4.7 of the Landscape Manual.

Constructing the parking lot in the front yard of this dwelling will negatively impact the residential character of the neighborhood and, even with the required 22-foot-wide driveway aisle width being fully provided, turn-around capability would still be compromised. Currently, the applicant's home looks like all the other homes in the neighborhood from the outside and the applicant would be unable to maintain that setting if a commercial parking lot had to be constructed in the front yard. Staff is of the opinion that requiring the applicant to install a commercial parking lot that meets all zoning requirements and a new 30-foot-wide commercial driveway entrance is unwarranted for a use that is anticipated to have a de minimus impact on AM and PM peak hour traffic.

The double garage is available for parking and will be utilized by the staff for parking. None of the residents at the facility drive due to their age, and the facility's shuttle bus is available to take the residents to medical appointments and recreational events as needed. The applicant further believes that the existing long driveway, in its existing configuration, is more than adequate to accommodate any visitors without negatively impacting the county right-of-way.

At the time of the writing of this report, staff has not received any complaints from the adjacent neighbors concerning the lack of available parking at this facility which has operated with up to eight residents since July 2007.

The applicant states that the existing driveway, which is over 130 feet in length, has always been more than adequate to serve their parking needs, and will continue to be adequate with the addition of seven more residents. The construction of a commercial parking lot could negatively impact the residential character of the neighborhood. As a result, the departure is necessary in order to alleviate circumstances which are unique to the site.

**(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

**Comment:** The applicant seeks relief from the strict requirements of the Landscape Manual because it is not possible to comply with the building setback and landscaped yard requirements within Section 4.7 along the eastern and western property lines of the subject property, due to the location of the existing dwelling. The applicant has requested a departure of 12 feet from the 22-foot-wide minimum driveway aisle width requirement, as well as the companion parking departure, so that a commercial parking lot would not have to be constructed in the front yard area of the subject property. With approval of the requested departures, the existing dwelling will continue to look like every other dwelling in the neighborhood, therefore, helping to preserve the residential character of the neighborhood. As a result, staff concurs with the applicant's assertion that the departure will not impair the visual, functional, or environmental quality or integrity of the site or the surrounding neighborhood.

## CONCLUSION

### Special Exception SE-4704

Based on the preceding analysis and findings, it is recommended that Special Exception Application No. SE-4704 for a congregate living facility in the R-R Zone with up to 15 residents be APPROVED subject to the following conditions:

1. Prior to final disposition of the case, the following revisions shall be made to the site plan:
  - a. Provide a general note on the site plan concerning the square footage of the residents' bedrooms in order to demonstrate compliance with Section 27-344(a)(3) of the Zoning Ordinance.
  - b. Remove General Note 20 concerning Alternative Compliance Pre-Application ACP-11030. This information is no longer relevant to the application since AC-11030 was denied by the Planning Director on March 21, 2013.
  - c. Revise the parking schedule to remove the two required parking spaces for the dwelling.
  - d. Revise General Note 5 to include the gross floor area of the garage.
  - e. Show the limits of the existing tree line along the eastern property line, so that it is consistent with the Type II tree conservation plan.
2. Prior to final disposition of the case, the following revisions shall be made to the landscape plan:
  - a. Remove the freestanding sign.
  - b. Revise the landscape schedules for Section 4.7 as follows:
    - (1) Designate the proposed use as a "Low-Impact" use, and the impact of the adjoining properties as "One-Family Detached."
    - (2) Remove the reference to alternative compliance and replace it with "DDS-613."

- (3) Remove "Side A" and "Side B" and replace with "Eastern Property Line" and "Western Property Line."
  - (4) Add the required number of plant units to each schedule.
  - (5) Correct the Section 4.7 schedule for the rear property line to indicate that the minimum required width of the landscaped yard is 20 feet (not ten feet).
  - (6) Update the revision box after all of the required changes have been made to the plan.
3. Prior to approval of a use and occupancy permit, the fee-in-lieu required to mitigate prior clearing, as shown on revised TCPII-079-94-06, shall be paid to the county Woodland Conservation Fund.

#### **Departure from Design Standards DDS-613**

Staff further recommends APPROVAL of Departure from Design Standards Application No. DDS-613 for a waiver of 12 feet from the required 22-foot-wide driveway aisle width for two-way traffic, and from Section 4.7 of the *Prince George's County Landscape Manual* along the eastern and western property lines.

#### **Departure from Parking and Loading Standards DPLS-373**

Staff further recommends APPROVAL of Departure from Parking and Loading Standards No. DPLS-373 for a waiver of three parking spaces.

ITEM:

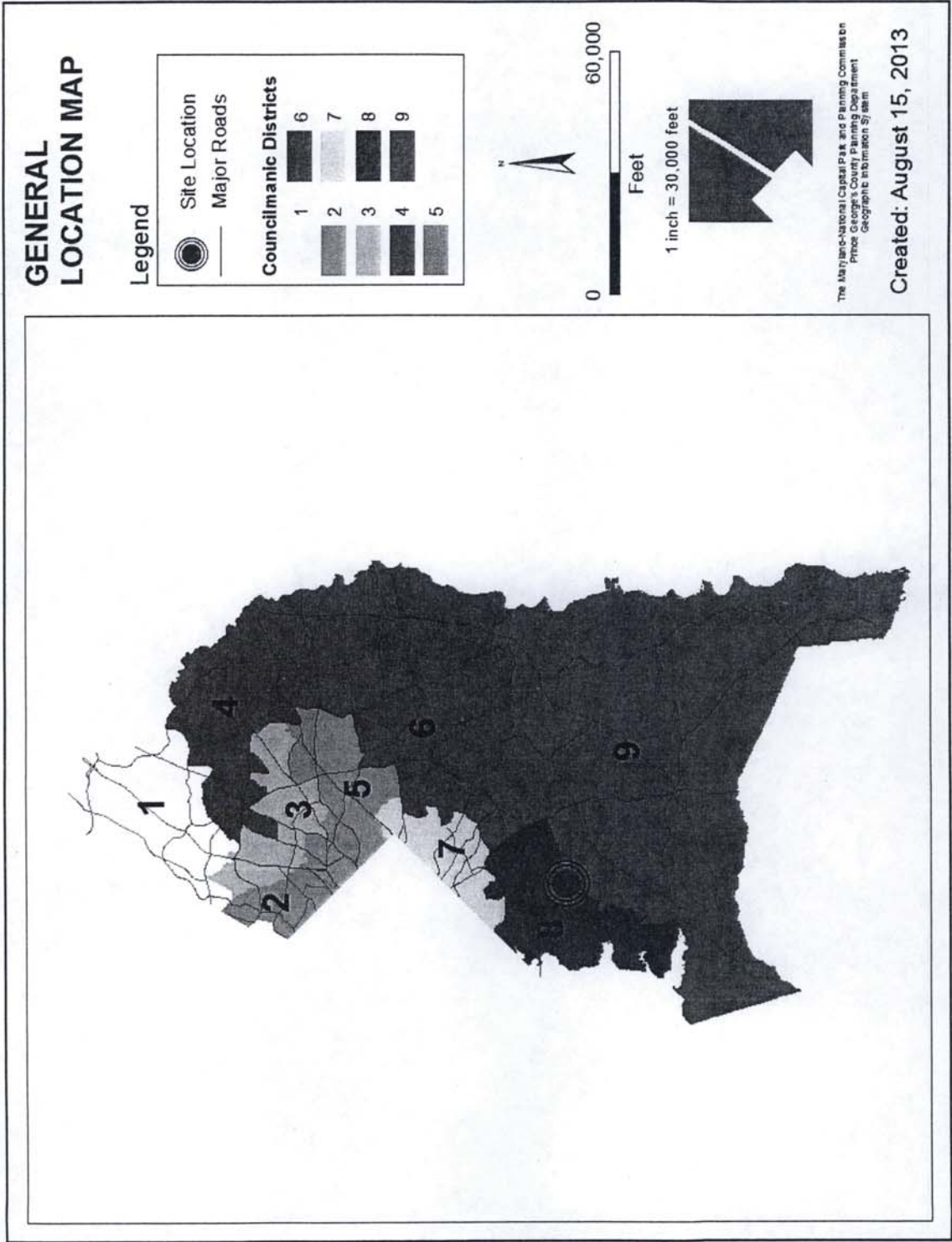
CASE: SE-4704, DDS-613 & DPLS-373

# IN LOVING HANDS

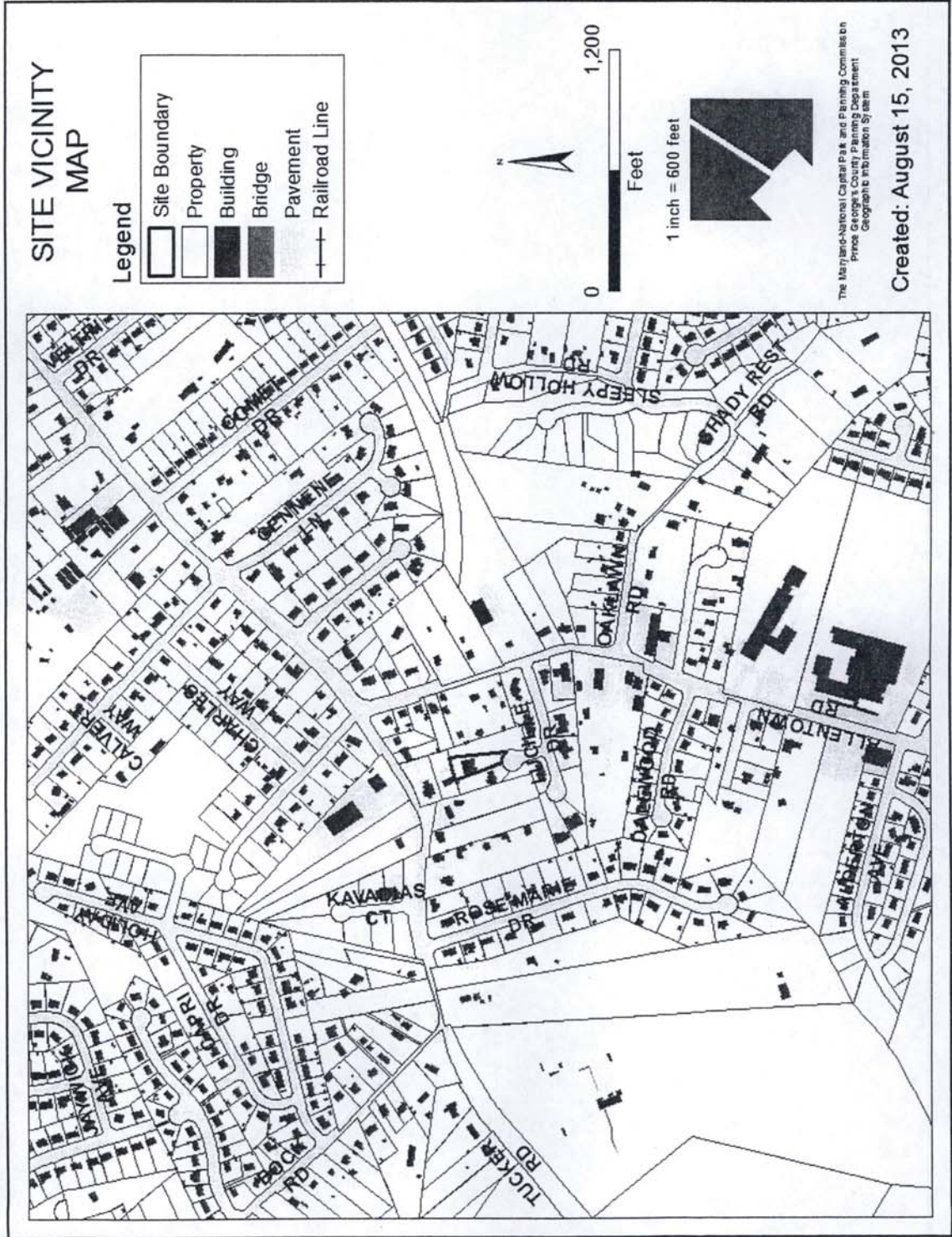




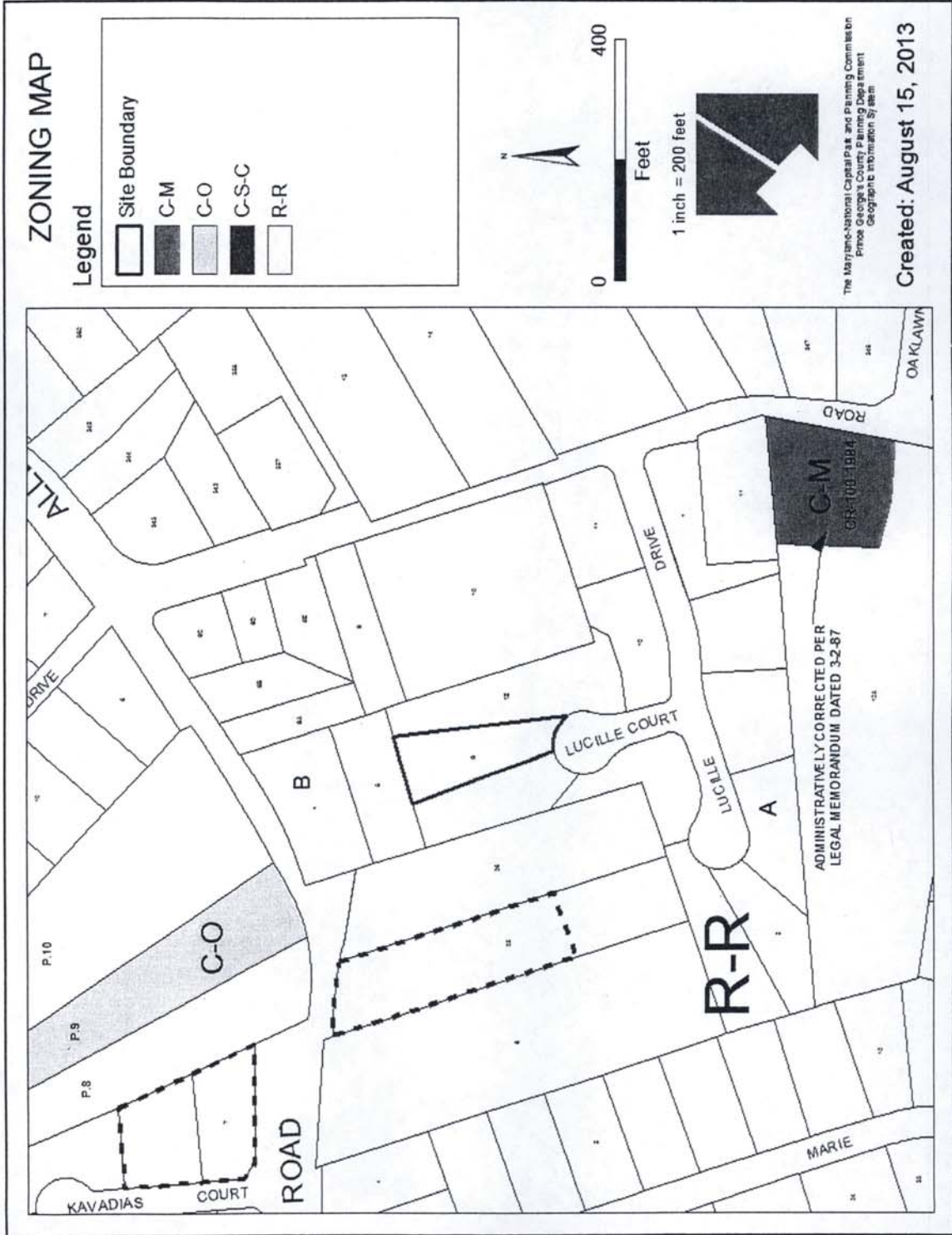
# GENERAL LOCATION MAP



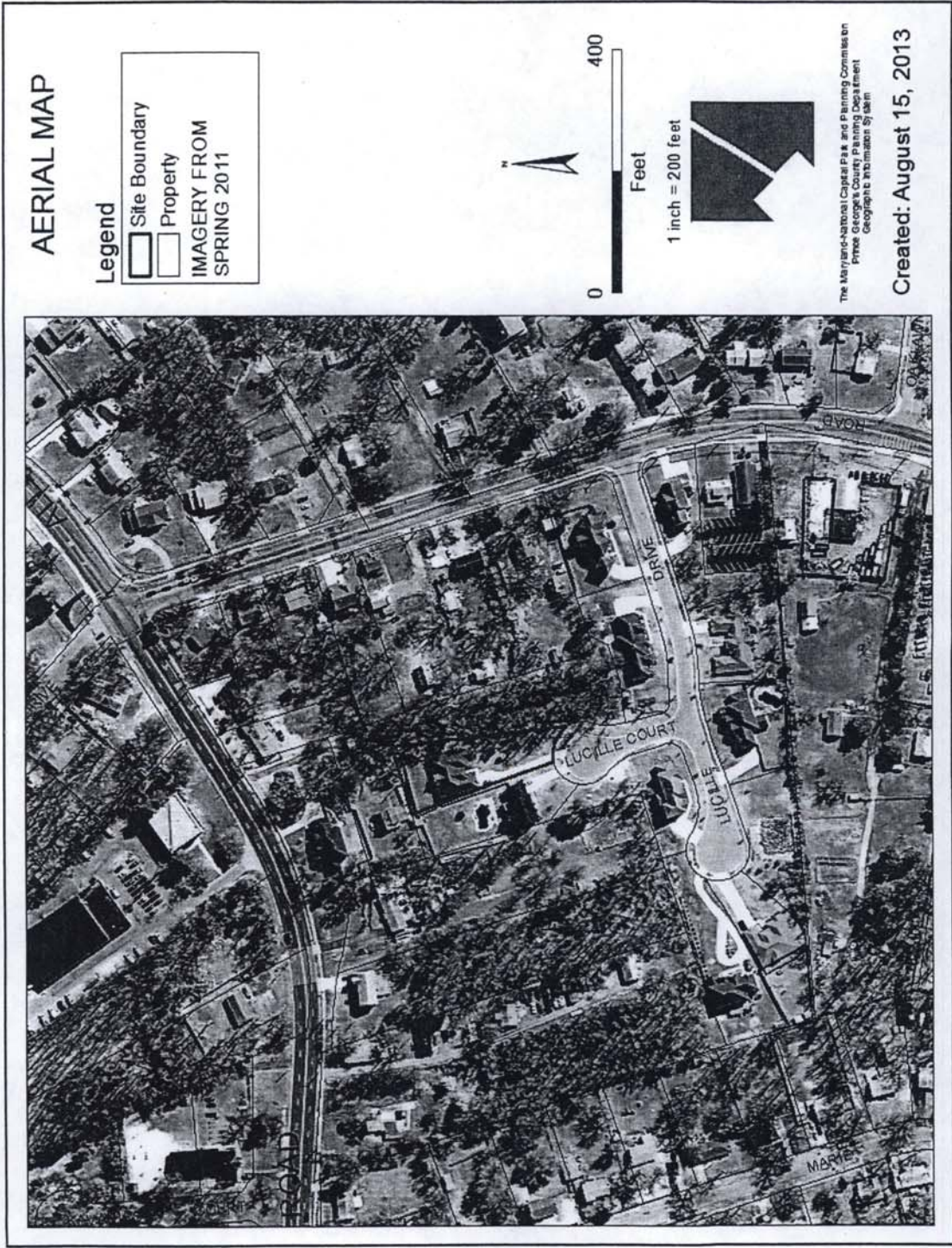
# SITE VICINITY



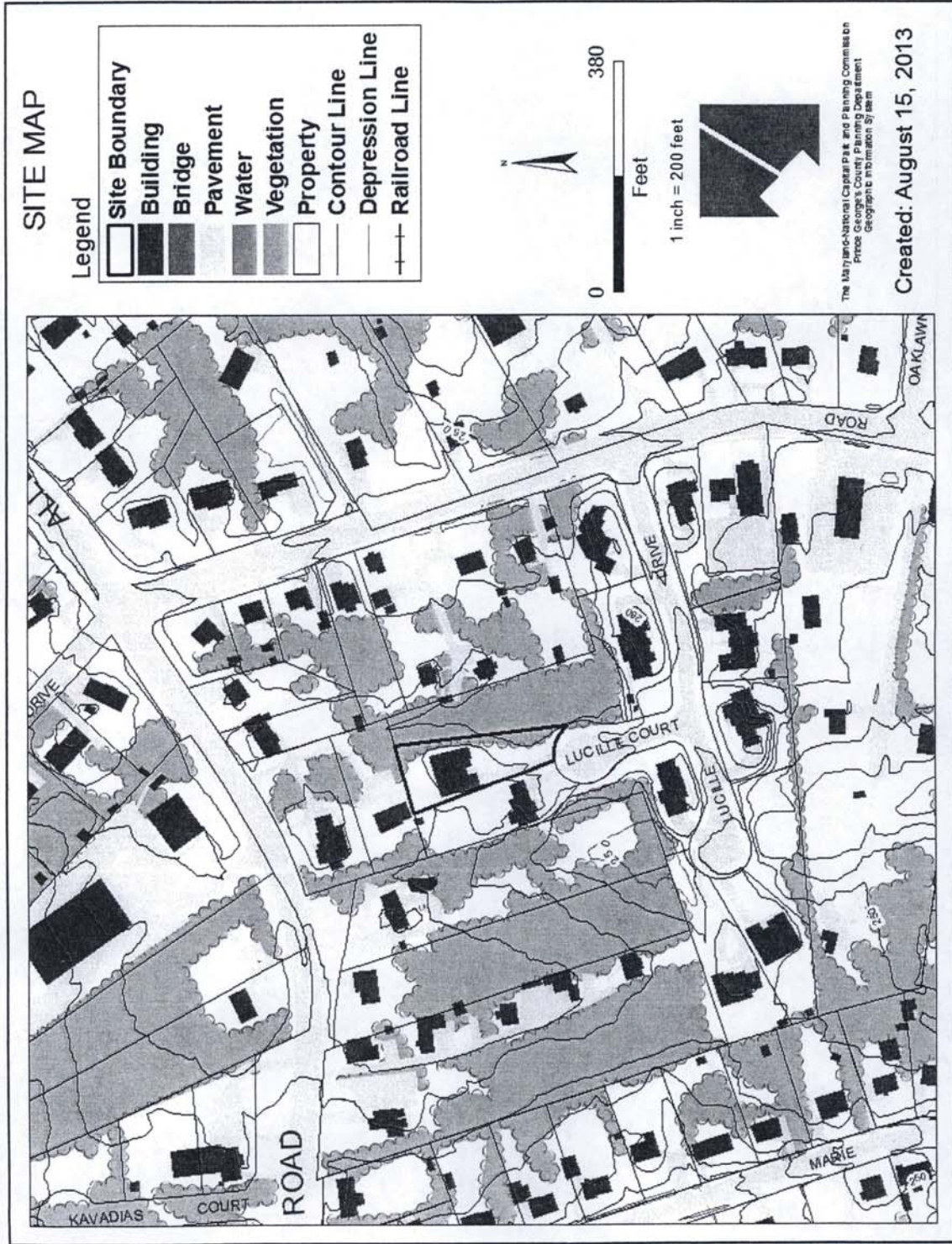
# ZONING MAP



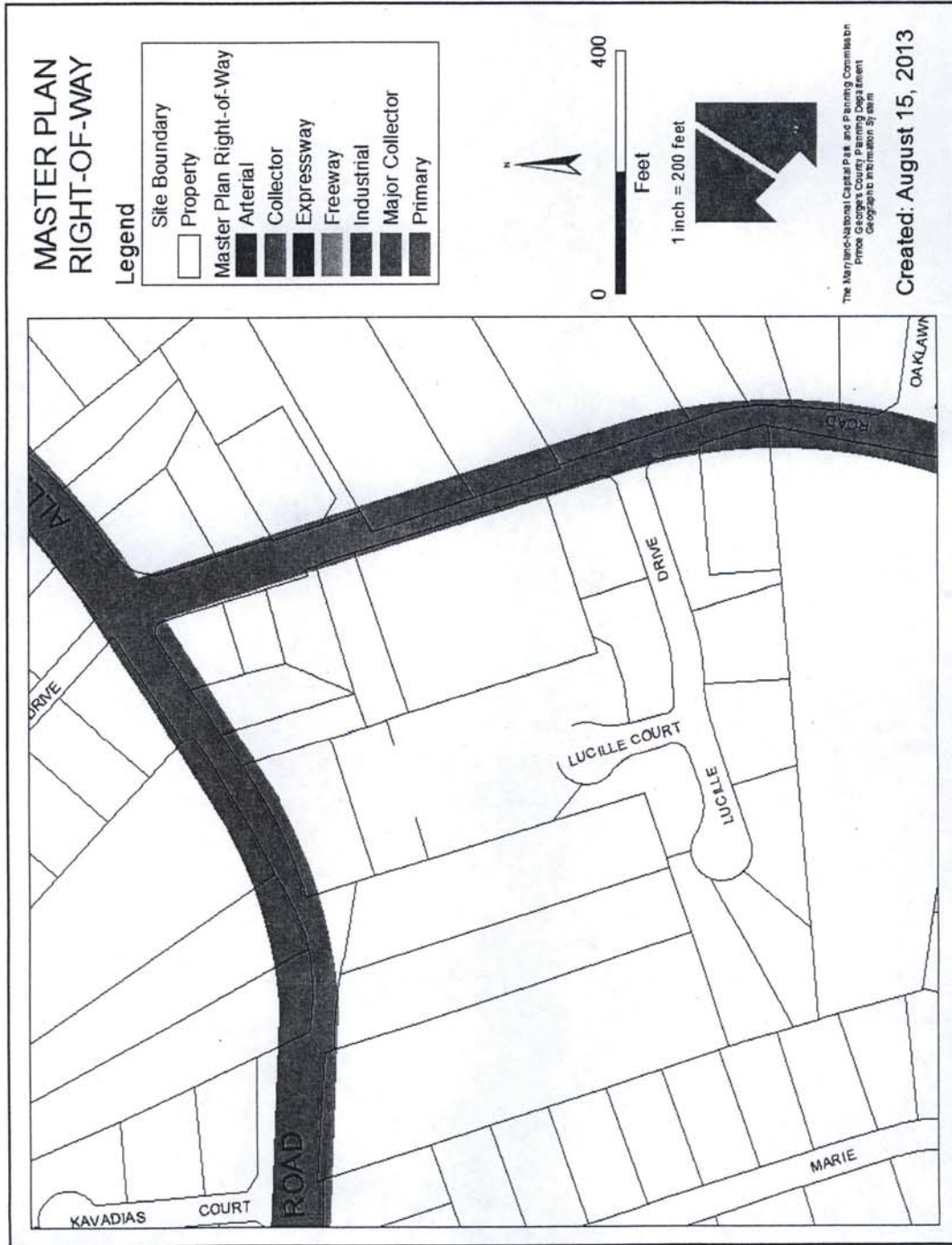
# AERIAL MAP



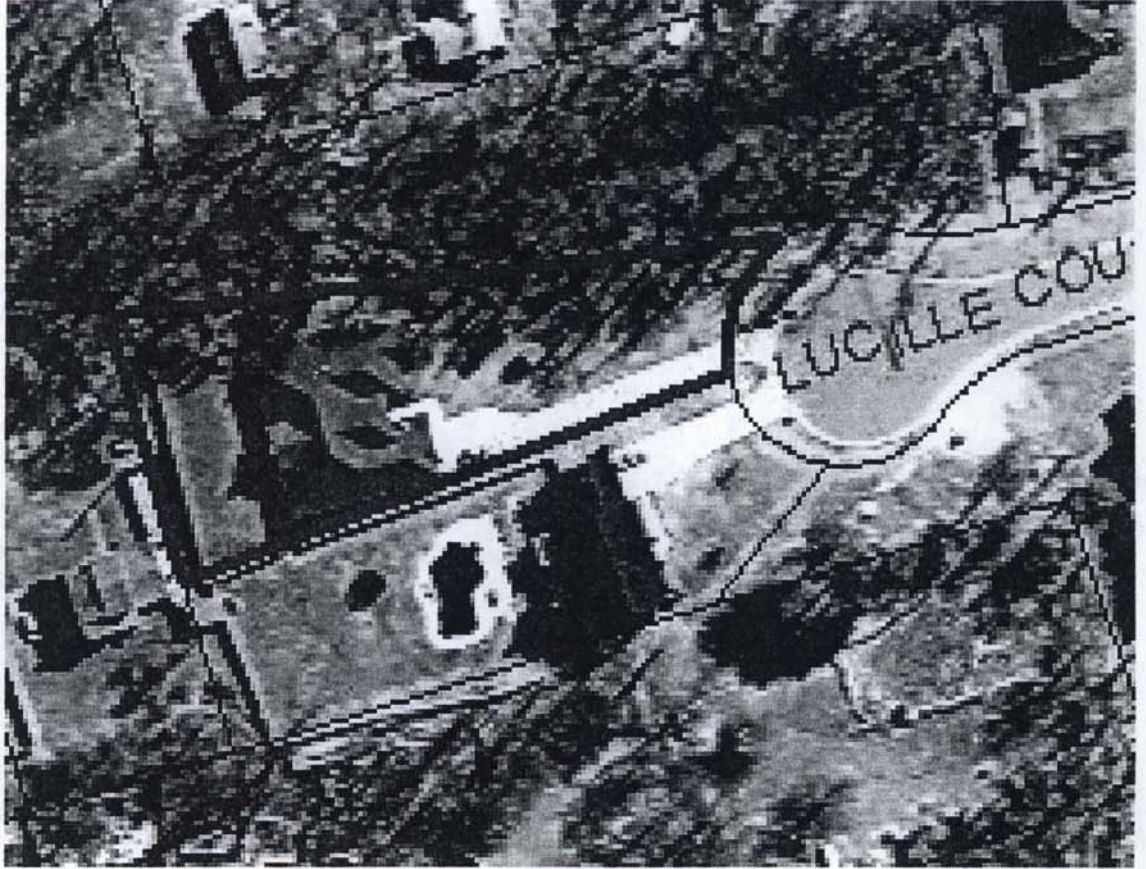
# SITE MAP



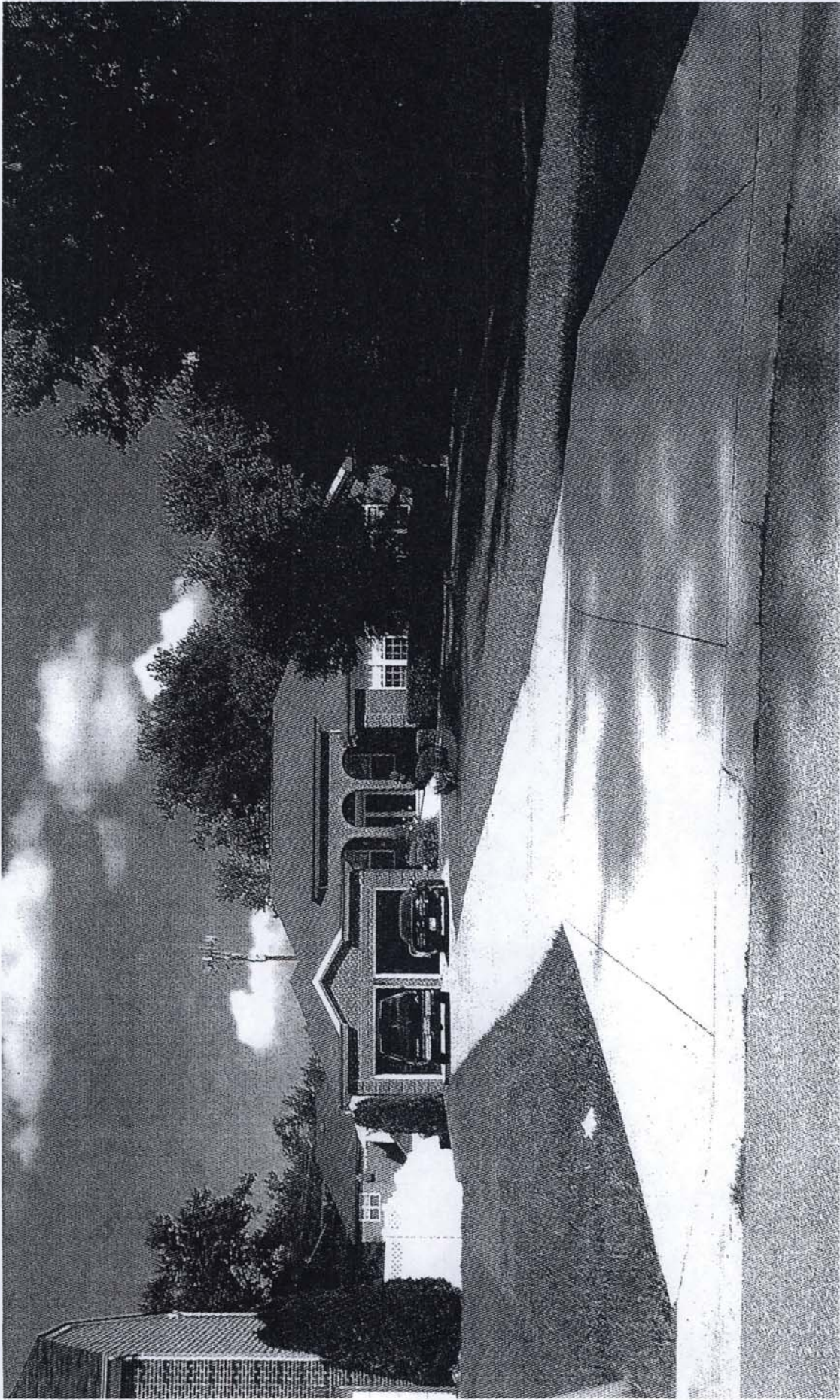
# MASTER PLAN RIGHT-OF-WAY MAP



**BIRD'S-EYE VIEW WITH  
APPROXIMATE SITE BOUNDARY OUTLINED**

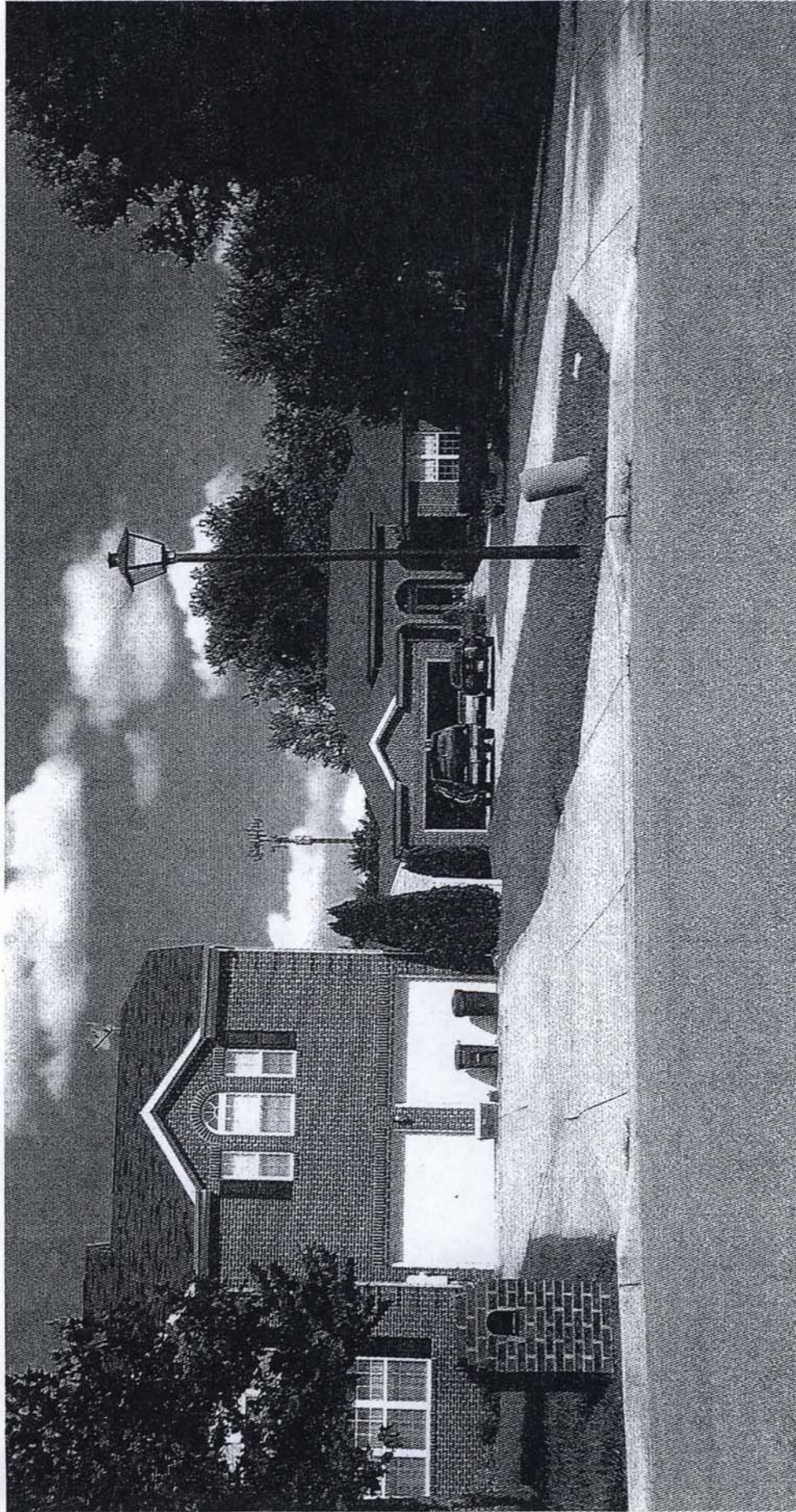


# EXISTING CONDITIONS

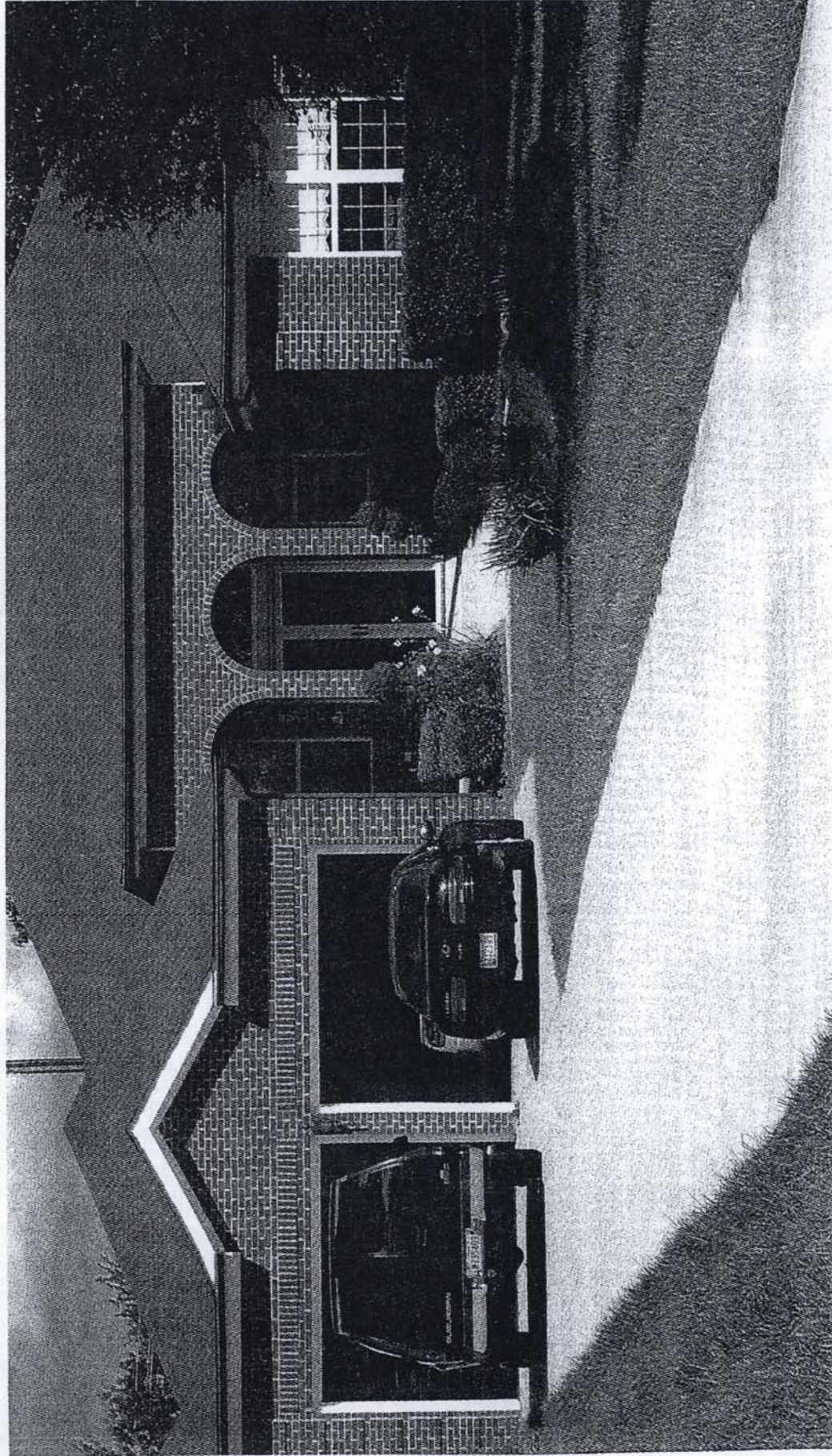




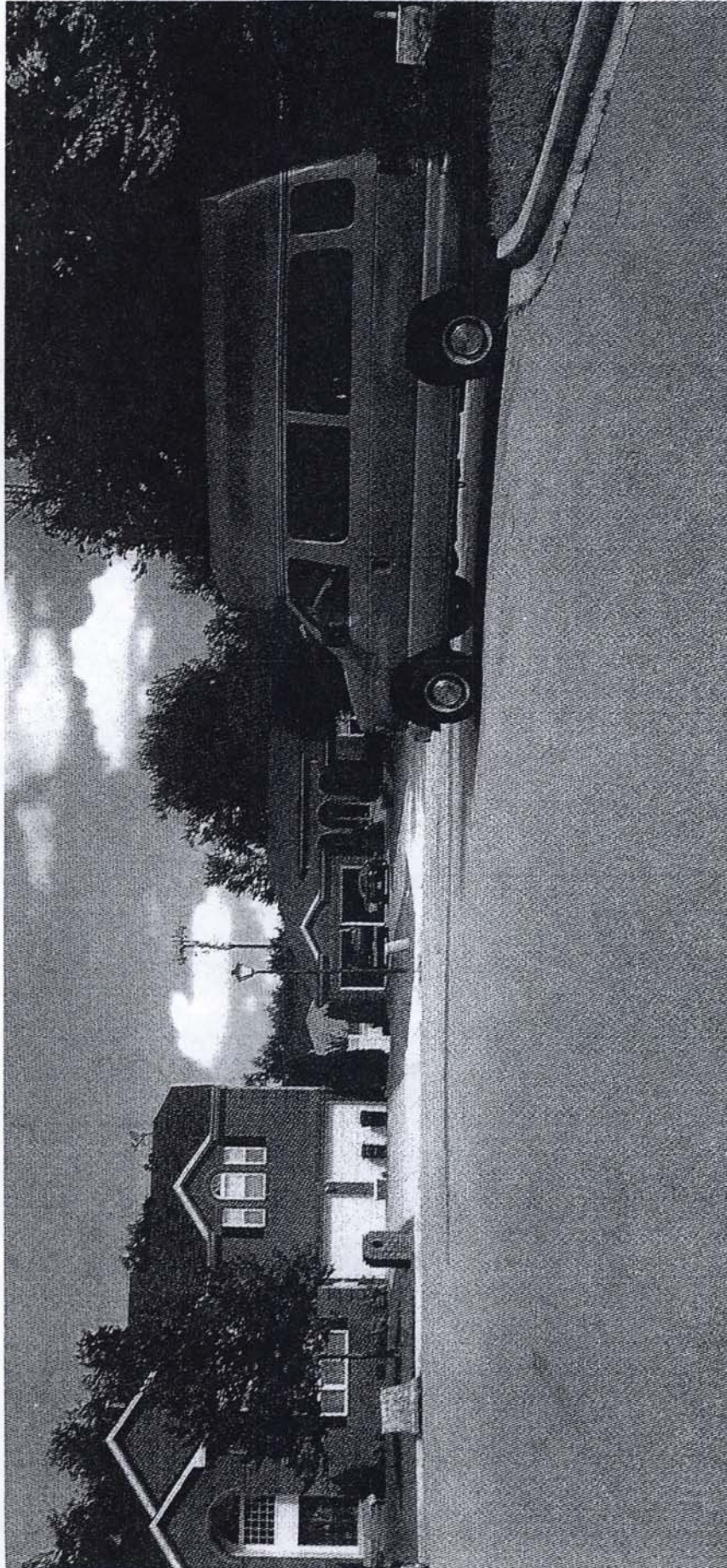
# EXISTING CONDITIONS



# EXISTING CONDITIONS



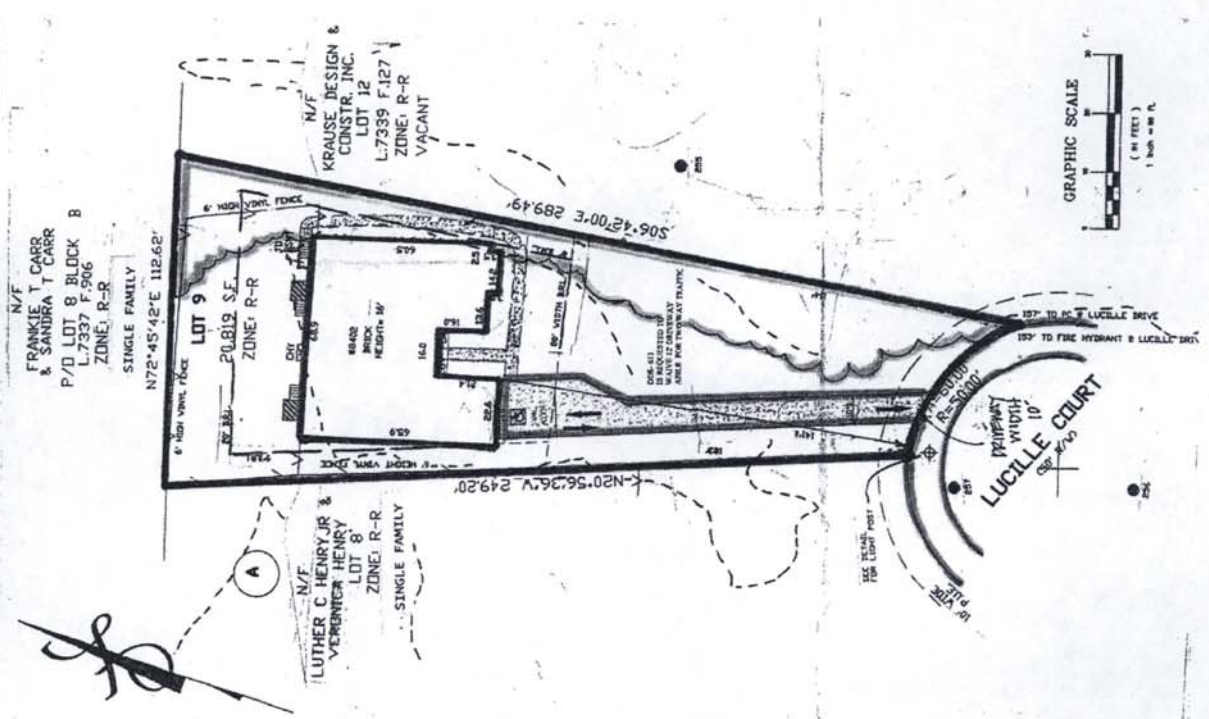
# EXISTING CONDITIONS



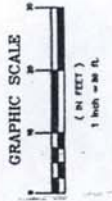
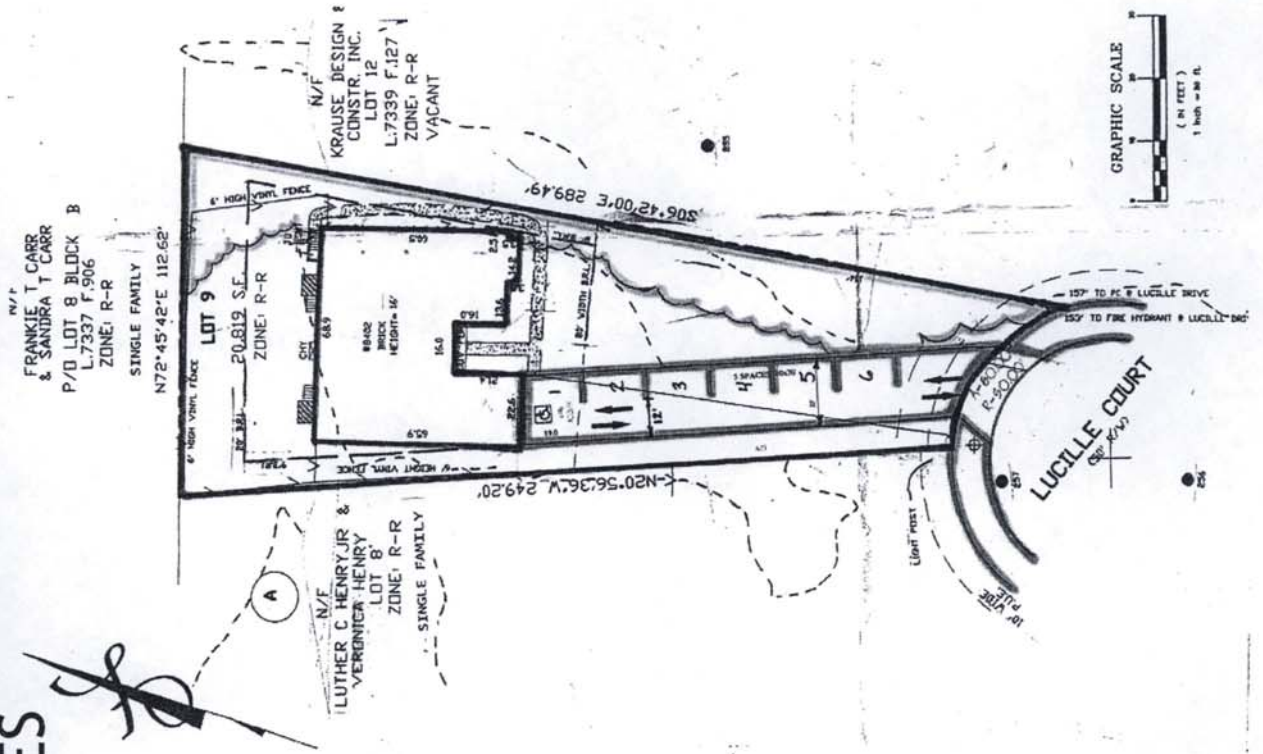


**Case # SE-4704, DDS-613 & DPLS-373**

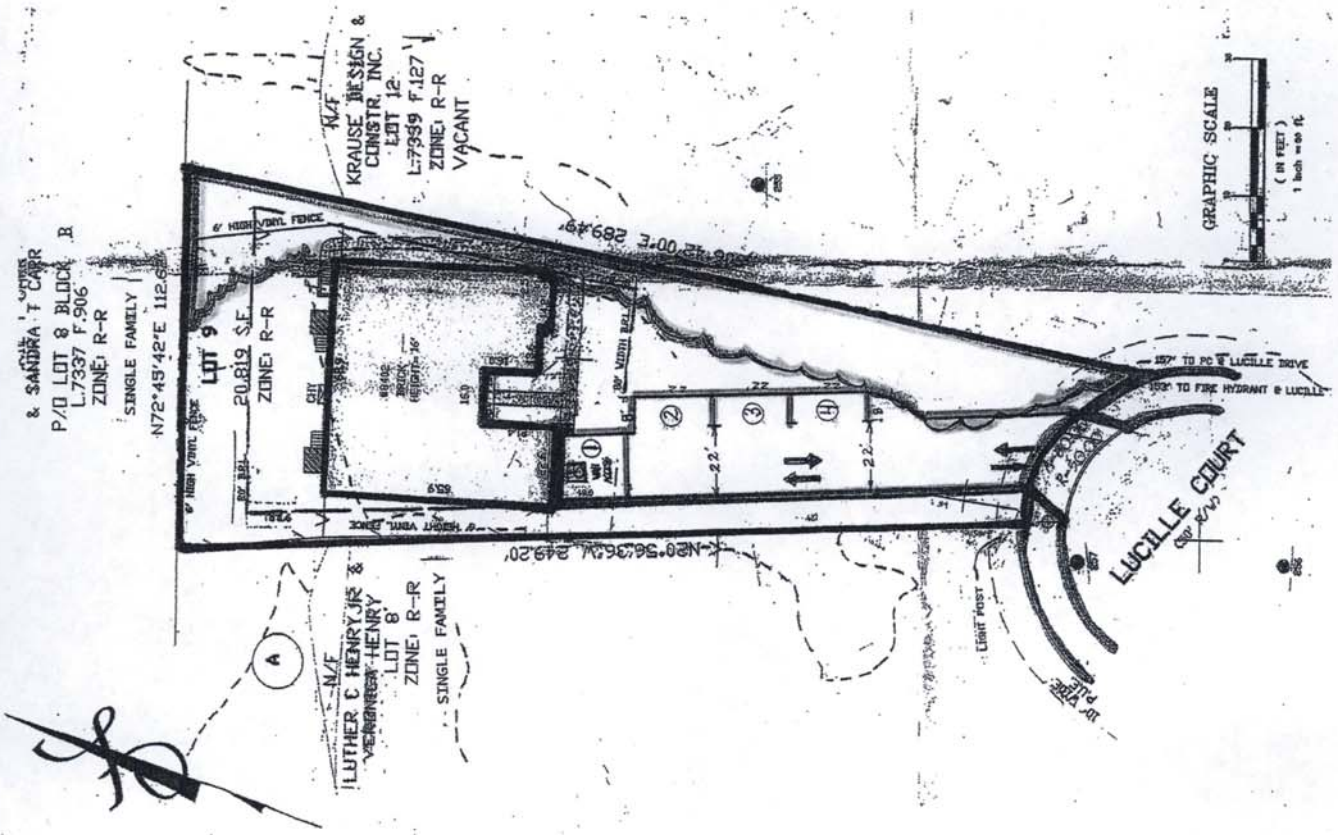
**DETAIL OF SITE PLAN SHOWING EXISTING CONDITIONS  
WITH A PROPOSED VAN ACCESSIBLE HANDICAP SPACE**



# APPLICANT'S EXHIBIT SHOWING A POSSIBLE EXPANSION OF THE DRIVEWAY TO ADD PARKING SPACES



STAFF'S EXHIBIT SHOWING  
ALL REQUIRED PARKING &  
30 FT WIDE COMMERCIAL  
DRIVEWAY ENTRANCE



# LANDSCAPE PLAN

**PLANTING DETAIL**  
PROBOSCIS TREE

**PLANTING DETAIL**  
PRIVACY FENCE DETAIL

**PLANTING DETAIL**  
PRIVACY

**REVISIONS**

REVISIONS	DATE
1-10-12	1-10-12
1-10-11	1-10-11

**CONCATGATE LIVING FACILITY**  
IN LOVING HANDS  
LANDSCAPE PLAN

LOT 9 BLOCK A  
F02 LUCILLE COURT  
FORT WASHINGTON, MD 20744

PRINCE GEORGE'S COUNTY, MARYLAND  
APPLICATION NO. # SE-4704, YBE-704, DMS-373, DPLS-373

MILLENNIUM ENGINEERING, LLC  
6885 COOKFORD DRIVE, SUITE 303  
TEMPLE HILLS, MARYLAND 20784  
101-433-0888 101-433-0877 FAX  
Email: millennium@millcom.com

DATE: 7-22-2011  
SCALE: N/A  
DRAWN: ME  
JOB NO.: LP 4  
SHEET 3 OF 4  
DWG FILE NO.: ME-SP-2010-3017

**SE-4704**  
DPLS-373  
US 813

**LOT DESCRIPTION**

1. LOT ADDRESS: 6802 LUCILLE COURT FORT WASHINGTON, MD, 20744

2. LOT, BLOCK AND SUBDIVISION: LOT 9 BLOCK A BEEDEE'S APARTMENT BLDG PLAN

3. EXISTING TO BE REMOVED: APPROX 15' TO WALLS DRIVE

4. EXISTING TO BE REMOVED: APPROX 15' TO WALLS DRIVE

5. EXISTING TO BE REMOVED: APPROX 15' TO WALLS DRIVE

6. EXISTING TO BE REMOVED: APPROX 15' TO WALLS DRIVE

7. EXISTING TO BE REMOVED: APPROX 15' TO WALLS DRIVE

8. EXISTING TO BE REMOVED: APPROX 15' TO WALLS DRIVE

9. EXISTING TO BE REMOVED: APPROX 15' TO WALLS DRIVE

10. EXISTING TO BE REMOVED: APPROX 15' TO WALLS DRIVE

11. EXISTING TO BE REMOVED: APPROX 15' TO WALLS DRIVE

12. EXISTING TO BE REMOVED: APPROX 15' TO WALLS DRIVE







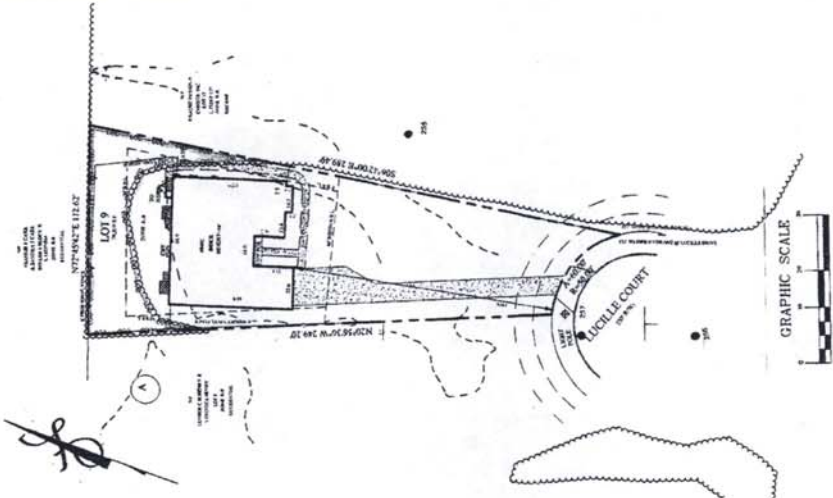
# REVISED TYPE II TREE CONSERVATION PLAN



Project No. 1274 with Preliminary Approval 1274  
 Millennium Engineering, LLC  
 Prince Georges County

Item	Description	Quantity	Unit	Value
1	Tree Removal	1	Tree	1000
2	Tree Preservation	1	Tree	1000
3	Tree Replacement	1	Tree	1000
4	Tree Pruning	1	Tree	1000
5	Tree Stump Removal	1	Stump	1000
6	Tree Planting	1	Tree	1000
7	Tree Maintenance	1	Tree	1000
8	Tree Protection	1	Tree	1000
9	Tree Survey	1	Tree	1000
10	Tree Inventory	1	Tree	1000
11	Tree Assessment	1	Tree	1000
12	Tree Conservation Plan	1	Tree	1000
13	Tree Mitigation Plan	1	Tree	1000
14	Tree Monitoring Plan	1	Tree	1000
15	Tree Reporting Plan	1	Tree	1000
16	Tree Enforcement Plan	1	Tree	1000
17	Tree Compliance Plan	1	Tree	1000
18	Tree Adherence Plan	1	Tree	1000
19	Tree Accountability Plan	1	Tree	1000
20	Tree Responsibility Plan	1	Tree	1000
21	Tree Transparency Plan	1	Tree	1000
22	Tree Integrity Plan	1	Tree	1000
23	Tree Security Plan	1	Tree	1000
24	Tree Reliability Plan	1	Tree	1000
25	Tree Sustainability Plan	1	Tree	1000
26	Tree Resilience Plan	1	Tree	1000
27	Tree Adaptability Plan	1	Tree	1000
28	Tree Flexibility Plan	1	Tree	1000
29	Tree Recoverability Plan	1	Tree	1000
30	Tree Resilience Plan	1	Tree	1000

- GENERAL NOTES:**
1. SUBDIVISION NAME: KEAUSES ADDITION TO BRID LANE
  2. TOTAL PROPERTY AREA: 20,819.57 SQ FT ACRES LOT X, BLOCK A, AND PLAT NO. 17829-00
  3. TOTAL LOT AREA: 10,409.78 SQ FT ACRES LOT X, BLOCK A, AND PLAT NO. 17829-00
  4. PARCELS TO BE DEVELOPED: ASSISTED LIVING FOR 17 RESIDENTS
  5. OPEN SPACE: 10,409.78 SQ FT (WITHOUT GARAGE)
  6. TOTAL SPA: 10,409.78 SQ FT (WITHOUT GARAGE)
  7. TOTAL SPA: 10,409.78 SQ FT (WITHOUT GARAGE)
  8. 200 FOOT REFERENCE: MNCYC 111583
  9. 200 FOOT REFERENCE: MNCYC 111583
  10. EXISTING WATER/SWIR/DESIGNATION: WALKS
  11. EXISTING WATER/SWIR/DESIGNATION: WALKS
  12. MANDATORY PARK DESIGNATIONS: NOT REQUIRED
  13. CONSERVATION OF OPEN SPACE: NOT REQUIRED
  14. CONSERVATION OF OPEN SPACE: NOT REQUIRED
  15. STREAMS: NO
  16. 100 YEAR FLOODPLAIN: NO
  17. 100 YEAR FLOODPLAIN: NO
  18. SOURCE OF TOPOGRAPHY: MNCYC 211889
  19. APPLICATION NUMBER: SE-4704
  20. APPLICATION NUMBER: SE-4704



**LEGEND**

- EXISTING BUILDING
- PROPERTY LINE
- CENTER LINE
- LIGHT POLES
- INDEX CENTER
- INTERMEDIATE CONTOUR
- TREE LINE
- SPOT ELEVATION
- V.V.V. - VERTICAL CURVE
- - - - - LIMIT OF DISTURBANCE

MILLENNIUM ENGINEERING, LLC  
 6805 COOLIDGE DRIVE SUITE 205  
 TEMPLE HILLS, MARYLAND 20748  
 301-433-0888  
 Email: millennium@me.com

REVISIONS	DATE

APPLICATION NO. # SE-4704, VSI-794, DMS-373, DMS-613  
 PRINCE GEORGES COUNTY, MARYLAND  
 KEAUSES ADDITION TO BRID LANE  
 LOT 9 BLOCK A  
 FORT WASHINGTON, MD 20744  
 CONSERVATIVE LANDSCAPE FACILITY  
 IN LONG HANDS  
**TREE CONSERVATION PLAN II**

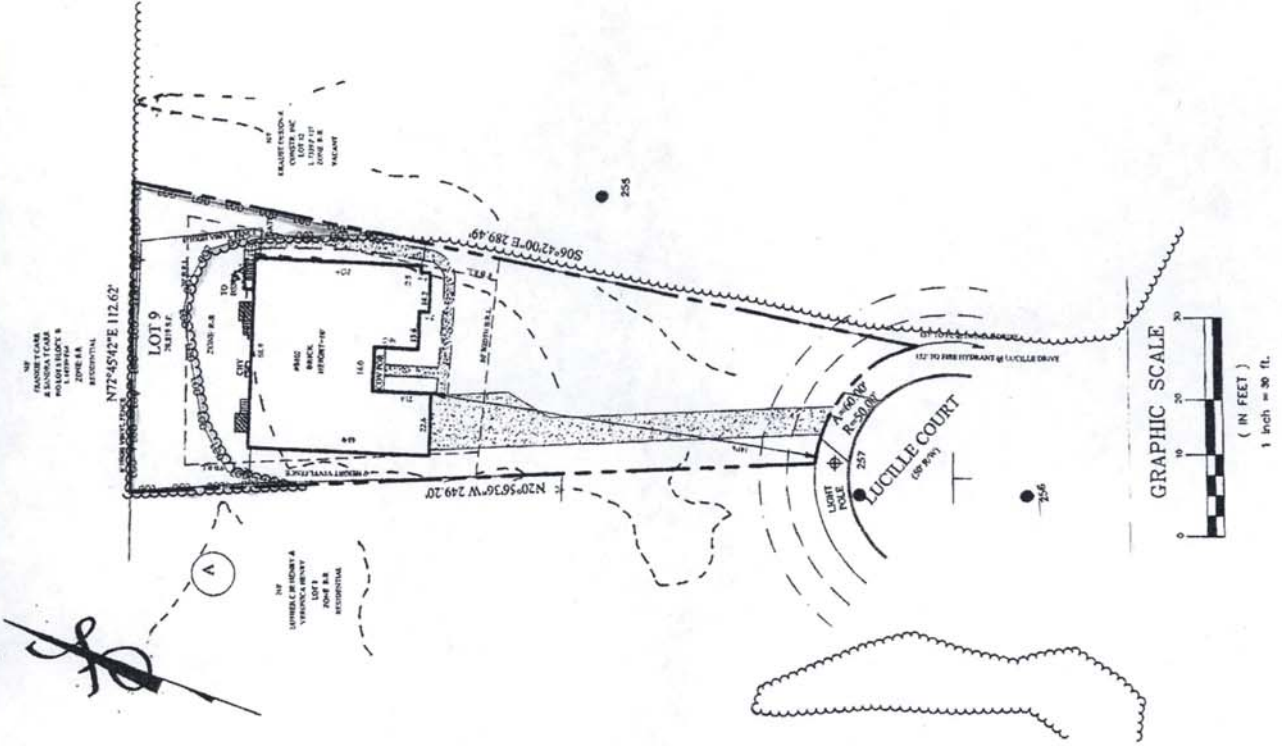


DATE: 5/13/2013
SCALE: 1"=30'
DRAWN: ME
JOB NO.:
SHEET SLP 1 OF 1
DWG FILE NO. ME TOP 2081

AMENDED  
 SE-4704  
 DPLS-373  
 11US618

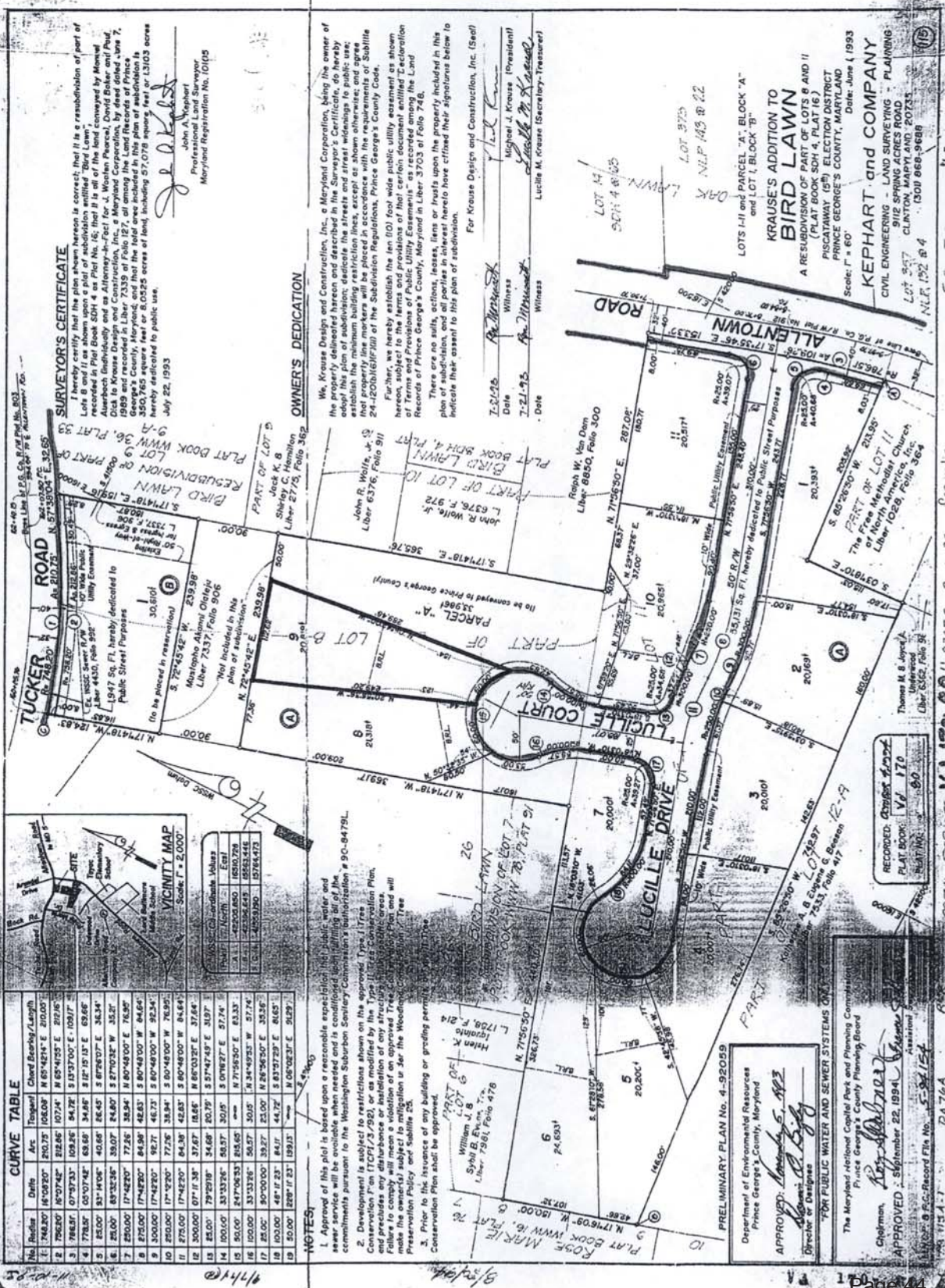


# DETAIL OF REVISED TYPE II TREE CONSERVATION PLAN





# FINAL PLAT



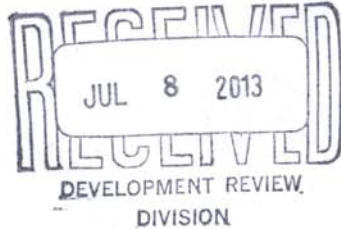
**APPLICANT:**

**MR. CARLOS WATSON  
"IN LOVING HANDS CONGREGATE  
LIVING"**

**PROPERTY ADDRESS:**

**8402 LUCILLE COURT  
FORT WASHINGTON, MD 20774**

**AGENT:**



**TRACI R. SCUDDER, ESQUIRE  
LAW OFFICE OF TRACI R. SCUDDER, LLC  
POST OFFICE BOX 114  
BOWIE, MARYLAND 20719**

**AMENDED STATEMENT OF JUSTIFICATION FOR SPECIAL EXCEPTION**  
**(SE-4704, DDS-613 & DPLS-373)**

This application is to request a Special Exception for a congregate living facility with more than eight (8) elderly residents. The Applicant in this matter, Mr. Carlos Watson, is the owner and operator of "In Loving Hands", an existing congregate living facility with eight (8) elderly residents. The facility is located at 8402 Lucille Court, Fort Washington, Maryland 20774, in a residential subdivision. A Use & Occupancy Permit was issued on July 18, 2007, for a congregate living facility for elderly and/or disabled, limited to up to eight (8) residents as permitted by the Prince George's County Zoning Ordinance ("Zoning Ordinance").

The subject property is located south of the Capital Beltway, east of Indian Head Highway, and just west of Allentown Road. The neighborhood surrounding the subject property is residential in character and is predominately developed with a mix of single-family detached dwellings. As noted above, the property is situated in a residential subdivision, and is located in the R-R Zone. The property consists of approximately .478 acres and is known as Lot 9, Block A, Krause's Addition to Bird Lawn, a recorded subdivision. The property is currently improved with a large two-story brick and frame residence, with a gross floor area of 4,084 square feet.

As noted above, the site has been used as a congregate living facility for eight (8) persons, a use permitted by right in the R-R (Residential-Rural) Zone, since 2007. In Loving Hands Congregate Living Facility provides a supportive environment of care to elderly residents who are unable to live independently and require assistance with activities of daily living, including management of medications, bathing, dressing, toileting, ambulating and eating. The Applicant also provides an assortment of other services for the elderly, including living and sleeping facilities, preparation of meals, laundry services, housekeeping, transportation to and from regular social and medical appointments, and 24-hour adult supervision, observation and non-clinical counseling to the elderly residents.

At this time, the Applicant proposes to increase the number of residents that he is able to care for at the facility to a maximum of fifteen (15). As indicated above, the current Use & Occupancy Permit for In Loving Hands is for only eight (8) residents. Pursuant to the Use Table in Section 27-441(b) of the Zoning Ordinance, a congregate living facility with more than eight residents is permitted in the R-R Zone by special exception. The applicant seeks approval of a special exception to expand the existing congregate living facility from 8 to up to 15 elderly residents. The requested use will not require an addition or expansion to the residence, nor is the Applicant proposing to expand the residence, and therefore, will operate under the existing building footprint.

The proposed increase in the enrollment of the congregate living facility will meet the requirements of the special exception for this use, as set forth in Section 27-344 as follows:

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

***RESPONSE:*** Prince George's County has a demonstrated need for facilities that care for the elderly. As presented above, the Applicant provides an assortment of services to the elderly, including living and sleeping facilities, preparation of meals, laundry/cleaning services, housekeeping, personal observation, transportation to and

*from regular social and medical appointments, and a 24-hour environment of adult companionship and non-clinical counseling. According to a study on senior housing conducted by The Maryland-National Capital Park & Planning Commission (M-NCPPC), the 65+ population is projected to grow at a faster pace in Prince George's County than in Maryland and the U.S. (Study, Part 1. Profile of Prince Georges County and DC Metro Area, Page 41). Additionally, the study notes that "Prince George's County is underserved relative to independent living, assisted living and Alzheimer's care." Further, the study concludes that "the elderly population will continue to increase for at least the next decade", and so will the demand for elderly services. (Study, Part 2. Trends: Conclusions, Page 50)*

*The Applicant frequently must turn away potential residents due to its licensing limitations. The Applicant is therefore seeking to expand an existing use that meets the definition of a congregate living facility. (Study, Part 1. Profile of Prince Georges County and DC Metro Area, Page 41). Approval of the requested special exception would permit the Applicant to serve a larger number of elderly residents in an intimate, friendly, home-style environment in a location that provides a tranquil residential setting.*

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

**RESPONSE:** *The Applicant's facility shall comply with the physical requirements of Subtitle 12, Division 7, of this Code, and shall be operated in accordance with the licensing and other requirements of the Subtitle. Additionally, the facility will meet all applicable requirements of state and county ordinances. No alterations to the exterior of the building are being proposed, and the interior floor area of the dwelling complies with the regulations of the Maryland Department of Health and Mental Hygiene. The facility is currently licensed by, and is in good standing with, that agency.*

*In Loving Hands contains 8 bedrooms, ranging in size from 160 square feet to 900 square feet. The Zoning Ordinance requires a single room to contain no less than 100 square feet and a double room no less than 160 square feet. This translates into 15 double rooms in the existing space, which supports a total of 15 residents.*

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

**RESPONSE:** *The facility shall be in compliance with these standards.*

With regard to the proposed increase in the number of residents at the congregate living facility, as described above, the Applicant submits that the findings required by Sec 27-317 of the Zoning Ordinance can be made, as follows:

**THE PROPOSED SPECIAL EXCEPTION MEETS THE REQUIREMENTS OF SECTION 27-317 OF THE PRINCE GEORGE'S COUNTY CODE.**

(a) The proposed Use and Site Plan are in Harmony with the Purposes of this Subtitle.

The proposed special exception use complies with the purposes of the Prince George's County Code (the "Code"), as set forth within Section 27-102. Sections 27-102 of The Prince George's County Code provides as follows:

(a) The purposes of Zoning Ordinance are:

**(1) To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;**

***RESPONSE:** The existing congregate living facility has operated at its current location since July 2007. Continued operation of this use will not in any way have a detrimental impact on the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County. The facility is located within a residential community at the end of a cul de sac, along with a couple of other homes, but only one home being near the facility. Further, it should be noted that the Applicant has notified his neighbors of this proposal to increase the number of residents, to include all adjoining property owners and civic associations within a mile of the subject property as required by law. None of the neighbors, adjoining property owners or civic associations have objected or expressed any concern regarding said proposal.*

**(2)To implement the General Plan, Area Master Plans, and Functional Master Plans;**

***RESPONSE:** The 2002 Prince George's County Approved General Plan placed the site in the Developed Tier. The Applicant's proposal is consistent with the development pattern policies for the Developed Tier as appropriate infill development and strengthening existing neighborhoods. More particularly, the vision for the Developed Tier is a network of sustainable, transit-supporting, mixed use, pedestrian-oriented, medium- to high-density neighborhoods. Additionally, the approved Master Plan and Sectional Map Amendment (SMA) for the subject property recommends a residential low-density land use for the subject property.*

**(3)To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;**

***RESPONSE:** The proposed use will have a de minimus impact on public facilities and services.*



**(4)To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;**

**RESPONSE:** *This purpose is not applicable to the facility as no new development is being proposed.*

**(5)To provide adequate light, air, and privacy;**

**RESPONSE:** *This purpose is not applicable to the facility. However, the Applicant does provide a private setting for the elderly residents that live at this facility. From the outside, the facility does not have the appearance of a commercial facility, and that is what the Applicant hopes to maintain under the current proposal to increase the number of residents. The backyard of this home provides a tranquil setting for the elderly residents to relax outdoors and enjoy the sunlight and fresh air. They are all 75 years of age and above and are quiet and do not create a disturbance in any way whatsoever. The Applicant's home looks like all the other homes in the neighborhood from the outside and this contributes to the privacy that the residents are able to enjoy.*

**(6)To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;**

**RESPONSE:** *The proposed use is appropriate in size, type, and design, given the proposed location and the uses to be served, and is in keeping with the remainder of the development. Because the surrounding properties and adjacent properties are also located in the R-R Zone, and this Zone allows a congregate living facility, the law has deemed this use to be compatible with the other uses in the R-R Zone with an approved special exception application. As noted above, this use has operated in its current location for approximately six years and has not caused any adverse impacts on adjoining development. Thus, it is not anticipated that the Applicant's proposal will have an adverse impact on future development of adjoining properties, as no new uses are being introduced, but rather just continued with the allowance of several new residents that can be cared for in the facility.*

**(7)To protect of the County from fire, flood panic, and other dangers;**

**RESPONSE:** *This purpose is not applicable to the facility.*

**(8)To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;**

**RESPONSE:** *In Loving Hands Congregate Living Facility will provide a sound, sanitary, suitable and healthy living environment for all of its elderly residents and will continue to operate within the economic reach of all County residents who are need of congregate living services. Additionally, state requirements will ensure a continued compatible relationship between the proposed use and adjacent properties.*

**(9)To encourage economic development activities that provide desirable employment and a broad, protected tax base;**

**RESPONSE:** *The congregate living facility will employ two staff persons to care for the residents, and will provide desirable employment contributing to a broad, protected tax base.*

**(10)To prevent the overcrowding of land;**

**RESPONSE:** *Since the proposed use is to be located within an existing home, this purpose pertaining to new development is not applicable.*

**(11)To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;**

**RESPONSE:** *This congregate living facility furthers the goal of lessening the danger and congestion of traffic on the streets in that the elderly residents will not be driving vehicles. All transportation services will be provided by staff, which will lessen the danger and congestion of traffic on the streets. Residents will not have their own vehicles on site, nor will they have personal use of any vehicles.*

**(12)To insure the social and economic stability of all parts of the County;**

**RESPONSE:** *This purpose is not specifically applicable to a congregate living facility. However, by providing families with a clean, safe, loving and affordable environment to place their elderly family members for care and support, helps to further the goal of social and economic stability in the County.*

**(13)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;**

**RESPONSE:** *This purpose is not applicable to a congregate living facility.*

**(14)To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and**

**RESPONSE:** *This purpose is not applicable to a congregate living facility.*

**(15)To protect and conserve the agricultural industry and natural resources.**

**RESPONSE:** *These provisions are not applicable to this proposal, because the Special Exception use is solely contained within an existing building.*

**2. The Proposed Use in Conformance With All Applicable Regulations of this Subtitle (27-317(a)(2)).**

**RESPONSE:** *With the granting of the requested special exception, the proposed increase of residents at this congregate living facility will meet all requirements of this Subtitle. The use and site plan proposed in this application are in harmony with the purposes of Subtitle 27.*

**3. The Proposed Use Will Not Substantially Impair The Integrity of Any Validly Approved Master Plan (27-317(a)(3)).**

**RESPONSE:** *The Applicant's proposal to increase the number of residents at the existing facility will not substantially impair the integrity of the approved Master Plan for the area. The Master Plan presumes the compatibility of special exception uses in the zones in which they are permitted, absent specific findings to the contrary. The proposed expansion to the existing use is in harmony with the recommended land use and with the General Plan's vision for the Developed Tier.*

**4. The Proposed Use Will Not Adversely Affect The Health, Safety or Welfare of The Residents or Workers In The Area (Section 27-317(a)(4)).**

**RESPONSE:** *As discussed herein, the proposed use will in no way adversely affect the health, safety or welfare of residents or workers in the area. Additionally, the existing congregate living facility has been a compatible use in the community for several years and its continued, slightly expanded operation will not adversely affect the health, safety, or welfare of residents or workers in the area. The staff at the facility are trained to care for elderly residents. A number of safety practices have been implemented to not only keep the elderly residents safe, but also to protect the 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 (27-317(a)(5)).**

**RESPONSE:** *This facility will not be detrimental to the use or development of adjacent properties or the general neighborhood. Generally speaking, congregate living facilities for the elderly are compatible neighbors that generate little noise or traffic. The proposed uses can be accommodated on the site with little change to its existing character and will not be detrimental to the use of adjacent properties or the general neighborhood. The amount of traffic generated by the use is negligible.*

**6. The Proposed Site Plan Is In Conformance With an Approved Type 2 Tree Conservation Plan (27-317 (a)(6)).**

**RESPONSE:** *This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site has two approved tree conservation plans (TCP 1 – 039-07 and TCP 2 – 079-94). The applicant's Special Exception site plan is in conformance with the approved TCPs.*

**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 (27-317 (a)(7)).**

***RESPONSE:*** *The Applicant is not proposing any disturbance to the regulated environmental features. The site plan complies with the approved TCPII for the subject property, and thus, the regulated environmental features on the property have been preserved.*

**DEPARTURE FROM DESIGN STANDARDS (SECTION 27-239.01) AS TO THE WIDTH OF APPLICANT'S DRIVEWAY**

By increasing the number of elderly residents at this Congregate Living Facility from eight to up to fifteen, the subject single family home becomes subject to a number of commercial standards. Not only will this residence have to be brought up to County Building and Fire Code standards for commercial businesses, but it is also subject to certain zoning requirements that are intended for commercial facilities, such as the requirement for a 22-foot wide driveway.

It is important to note that this property could meet the 22-foot wide driveway requirement; however, it would result in a substantial change in the appearance of the front yard of this home. Throughout the Special Exception application process, the Applicant has always expressed a willingness to bring his property into compliance with this requirement by extending the width of his driveway. Upon so doing, there would be no need for a departure from the 22-foot standard, and the Applicant would be able to meet the parking requirements as well, thus eliminating the need for the concurrent parking departure request.

During the Alternative Compliance application process, the Applicant presented an alternative site plan to Staff which essentially demonstrated a rough lay-out of an extended driveway, containing the requisite number of parking spaces. This alternative, while it showed that the Applicant could potentially, or had a means of, satisfying the required driveway width and number of parking spaces, would have triggered the need for a variance as to excess lot coverage. It also became clear that, perhaps such a drastic change to the appearance of the

Applicant's front yard would not be the best choice. The Applicant believes that keeping his property in character with the neighboring homes is important. The Applicant further believes that the benefit derived from extending the driveway would be fairly minimal, and would not outweigh the interest in maintaining a residence that is in character with the rest of the homes in this subdivision. While commercial uses ordinarily do require tougher regulations, the reality concerning this particular use is that it is low impact as it provides care for elderly persons, mostly above the age of 75. None of these residents drive or own personal vehicles, and the facility does not receive deliveries such that a commercial size driveway would be needed.

Another point that should be made is that occasional visitors to this facility are easily able to park in the driveway, and this has worked well over the last several years with eight residents. Visitors are typically family members of the elderly residents. These family members chose a residential setting for their loved ones, and therefore would not expect a commercial parking lot in a residential subdivision. Ample room for overflow parking exists in the cul de sac, but it is not anticipated that there would ever be more than one or two cars parked on the street. Any cars parked on the street would only be parked temporarily during the day time or early evening for visits, but not overnight or for extended periods of time. Currently, there is only one other home in this cul de sac, and it is the Applicant's next door neighbor. This neighbor has received legal notices regarding the subject proposal and has not objected.

Further, the Applicant demonstrates below that the required findings for the requested departure are being met.

**Required findings.**

**(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

***RESPONSE:*** See responses regarding the purposes of this Subtitle above.

**(ii) The departure is the minimum necessary, given the specific circumstances of the request;**

***RESPONSE:*** *The subject lot contains 20,819 square feet and is improved with a single-family dwelling and driveway. This dwelling is used as a congregate living facility, known as "In Loving Hands Congregate Living Facility". The facility cares for elderly residents, mainly age 75 and above, and who do not drive or park vehicles at the subject property. There is an existing parking space for a van that the owner uses to transport the elderly residents to and from their appointments and social events. There is also an existing handicap parking space.*

*The driveway is currently 10 feet wide. It is a long driveway that is approximately 141 feet in length. According to the Zoning Ordinance, the driveway is required to be 22 feet wide. The Applicant is requesting a departure of 12 feet in order to allow the driveway to remain at its current width. It should be noted that it is possible for the property to meet the 22-foot drive aisle requirement, but it would cause the Applicant to have to make significant changes to the appearance of the front yard of the property. There would be more pavement, which would not be attractive. It could also cause the property to exceed the lot coverage requirement.*

*The Applicant believes that by allowing the driveway to remain at its current width, the need to alter the front yard in a manner that would detract from its appearance and change the visual character of the property would not be necessary. The Applicant strives to maintain his property in a fashion that blends with the other houses and surrounding neighborhood and community. The requested departure of 12 feet is the minimum necessary, given the specific circumstances of the request.*

**(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

***RESPONSE:*** *The departure is necessary in order to alleviate circumstances which are unique to the site. The property is a long, narrow, pie-shaped lot located in a cul-de-sac. The house had to be set back a long distance from the street due to the shape of the property. Due to the narrowness of the lot, an 80-foot front building line width, required for development on the subject lot, does not occur until midway back on the property. The type of driveway needed to access the house was limited in design to a long and narrow driveway. This long and narrow design created the need for more paving than a normal length driveway would require. Expanding the width of the driveway to satisfy the requirement for the width of the driveway, and thereby having to add more concrete would further detract from the yard. This lot is also located within a cul-de-sac, and increasing the width of the driveway would change the character of the front yard, causing it to look different from the yards of other homes in the vicinity and resulting in a more commercial appearance, which is not ideal.*

**(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

***RESPONSE:*** *The departure will not impair the visual, functional or environmental quality or integrity of the site or the surrounding neighborhood. In fact, it will enhance the visual quality of the site in that the departure will allow this lot to continue to blend with the character of the surrounding homes and neighborhood.*

**DEPARTURE FROM DESIGN STANDARDS (SECTION 27-239.01) AS TO SECTION 4.7 OF THE LANDSCAPE MANUAL**

The Prince George's County Landscape Manual requires a 20-foot buffer yard on the sides and rear of the dwelling. The property can provide a 20-foot buffer in the rear; however, it cannot meet this requirement on both sides. As discussed above, this property is a long, narrow lot, which is why it can meet the buffer yard requirement in the rear, but not on the sides. On side "A", the western side, the existing dwelling is 9 feet from the property line. This falls 11 feet short of the 20-foot buffer yard requirement. On side "B", the eastern side, the existing dwelling is 8 feet from the property line, which falls 12 feet short of the 20-foot buffer yard requirement.

It should be noted that on the east side of the dwelling, there is a heavy tree line that separates the subject property from a vacant lot. This tree line consists of shade trees that are approximately 25-feet tall but are located on the adjacent lot. On the west side, there is an existing 6-foot vinyl fence. The Applicant believes that this fence, in addition to planted baby shrubs, would provide an adequate buffer that is equal to what the landscape manual requires. It is also noteworthy that the Applicant's facility, which itself is a residential dwelling, is surrounded on the east and rear sides by other residential homes.

The requirements of the Landscape Manual apply to the subject property. The Applicant requested alternative compliance (AC - 11030) as to section 4.7 (Buffering Incompatible Uses) of the Landscape Manual. The AC was denied by the Planning Director on March 20, 2013 (*See*, "Attachment A".) The Applicant is requesting approval of a departure from the design standards

in accordance with Section 27-239.01. It should be noted that in order to request a departure from a Landscape Manual requirement, an AC denial is required. Since Applicant is unable to meet the required landscape bufferyard width of 20 feet, the Applicant also cannot meet the larger building setback of 30 feet required by the Landscape Manual. To that end, and more specifically, the Applicant is requesting a 12-foot departure from the landscape yard requirement; and, is requesting a 21-foot departure from the building set back requirement.

**Required findings under Section 27-239.01(b)(7)(A)).**

**(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

***RESPONSE:*** *The purposes of this Subtitle will be equally well served by the applicant's proposal because the intent of the Landscape Manual is still fulfilled. In reality, and as discussed above, the heavy tree line that separates the subject property from the vacant lot does provide 20 feet of buffer between the two properties. While the Applicant is unable to legally count this buffer toward his own requirement due to the fact that the tree line is not on his property, the tree line is physically there serving as actual buffer.*

**(ii) The departure is the minimum necessary, given the specific circumstances of the request;**

***RESPONSE:*** *The Applicant's departure request of 11 feet of buffer on the west side, and 12 feet on the east side, is the minimum necessary, given the specific circumstances of the request.*

**(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

***RESPONSE:*** *The departure is necessary in order to alleviate circumstances which are unique to the site. The property is a long, narrow, pie-shaped lot located in a cul-de-sac. The house had to be set back a long distance from the street due to the shape of the property. Due to the narrowness of the lot, an 80-foot front building line width, required for development on the subject lot, does not occur until midway back on the property. The odd shape of the lot impacts the Applicant's ability to meet the buffer requirement.*

**(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**



**RESPONSE:** *The departure will not impair the visual, functional or environmental quality or integrity of the site or the surrounding neighborhood. With the existing tree line serving as buffer on one side, and an existing 6-foot vinyl fence with proposed baby shrubs serving as buffer on the other side, the intent of the landscape manual is still achieved. Further, given the nature of the proposed use and the age of the residents of this facility, there is no reason to believe that any more buffering than that which already exists would not be adequate.*

**27-239.01(b)(7)(B) - For a departure from a standard contained in the Landscape Manual, the Planning Board shall find, in addition to the requirements in paragraph (7) (A), above, that there is no feasible proposal for alternative compliance, as defined in the Landscape Manual, which would exhibit equally effective design characteristics.**

**RESPONSE:** *On March 20, 2013, the Planning Director denied Applicant's request for alternative compliance on the basis that the proposal for Section 4.7, Buffering Incompatible Uses, is not equally effective compared to the normal requirements of the Prince George's County Landscape Manual. To that end, the Planning Board is able to make a specific finding that there is no feasible proposal for alternative compliance, as defined in the Landscape Manual, which would exhibit equally effective design characteristics. Further, the Applicant has demonstrated in the responses to the requirements as outlined in paragraph (7)(A), that said requirements have been met.*

#### **DEPARTURE FROM PARKING AND LOADING STANDARDS – SECTION 27-588**

##### **Required findings.**

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

(i) **The purposes of this Part (Section 27-550) will be served by the applicant's request;**

The purposes of this Part are:

(1) **To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;**

**RESPONSE:** *Although the companion case to the DPLS for a special exception does not concern any proposed new construction, it does allow for an increase in residents from 8 to 15. It is important to note that none of the elderly residents at the facility drive vehicles, or have vehicles at the facility. The existing parking spaces are sufficient, and have been sufficient for the past several years, to serve the parking needs of all persons associated with the facility.*

(2) **To aid in relieving traffic congestion on streets by reducing the use of public**

**streets for parking and loading and reducing the number of access points;**

**RESPONSE:** *For the same reasons as stated above, there also will not be parking on public streets arising from this particular use.*

**(3) To protect the residential character of residential areas; and**

**RESPONSE:** *Approval of this departure request will protect the residential character of the area by not requiring the installation of additional parking spaces on this site. Adding new parking spaces would require an expansion of the existing driveway to cover a significant portion of the front lawn, affecting the character of the lot and dwelling.*

**(4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

**RESPONSE:** *The parking for this facility is convenient in that it was designed for the residential dwelling that is being used as a congregate living facility. The facility does not generate a need for more parking because the residents that live there are elderly and do not own or drive vehicles. The only parking needed is for the van which transports the residents to and from their appointments and social events, and there is usually no more than two staff persons in the home at a time, the owner and one other employee. Additionally, the existing driveway has always been adequate in providing parking for the occasional visitor to the facility.*

**(ii) The departure is the minimum necessary, given the specific circumstances of the request;**

**RESPONSE:** *The Applicant is requesting a departure of five (5) parking spaces. Approval of this departure request would allow the driveway to remain at its current width. The Applicant believes that by allowing the driveway to remain at its current width, the need to alter the front yard in a manner that would detract from its appearance would not be necessary. The Applicant strives to maintain his property in a fashion that blends with the surrounding neighbors and community. The departure of five (5) parking spaces is the minimum necessary, given the specific circumstances of the request.*

**(iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;**

**RESPONSE:** *The departure is necessary in order to alleviate circumstances which are unique to the site. As described above, the property is a long, narrow, pie-shaped lot*

located in a cul-de-sac. The house had to be set back a long distance from the street due to the shape of the property. Due to the narrowness of the lot, an 80-foot front building line width, required for development on the subject lot, does not occur until midway back on the property. The type of driveway needed to access the house was limited in design to a long and narrow driveway. Further expanding the width of the driveway to add additional parking spaces is an unnecessary undertaking. Also, it would change the character of the front yard, causing it to look different from the yards of other homes in the neighborhood and resulting in a more commercial appearance, which is not ideal.

**(iv) All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and**

**RESPONSE:** *All methods for calculating the number of spaces required have been used.*

**(v) Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

**RESPONSE:** *Parking and loading needs of adjacent residential areas will not be infringed upon if the requested departure is granted. The subject property is located in a subdivision. None of the adjacent residences or residential areas have loading needs. The parking spaces that already exist at this home are adequate to support this type of facility for a few reasons: (1) the facility cares for elderly women, age 75 and above, who do not drive or have personal use of a vehicle; (2) there are only two staff members, and one is the owner of the house, who is able to utilize the two-car garage for parking. There are two other spaces for the facility's handicap accessible van, which transports the elderly residents, and a space for staff; (3) this residence has a very long driveway approximately 140 feet in length, which allows for visitor parking; (4) the facility has existed at its current location for several years without any parking issues, and therefore, it is not anticipated or foreseeable that parking will become a problem if the facility is allowed to care for several additional elderly residents.*

**(B) In making its findings, the Planning Board shall give consideration to the following:**

**(i) The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property;**

**RESPONSE:** *This congregate living facility is located in a cul de sac within a residential subdivision. Off-street parking is available as described above,*

as well as off-street parking. The off-street parking areas within the cul de sac are within 500 feet of the facility. There are only two homes, including the one used for the congregate living facility, in the entire cul de sac. The occasional car that may park on the street in front of the facility would not pose a problem; however, the Applicant maintains that most visitors pull onto the driveway for parking.

- (ii) **The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;**

**RESPONSE:** *The Area Master Plan for the subject property allows for a congregate living facility with up to eight (8) residents as a matter of right. The Master Plan also permits the proposed use to operate with more than eight residents upon approval of a special exception.*

- (iii) **The recommendations of a municipality (within which the property lies) regarding the departure; and**

**RESPONSE:** *The subject property is not located within a municipality.*

- (iv) **Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.**

**RESPONSE:** *The Applicant is not aware of any public parking facilities proposed in the County's Capital Improvement Program within the general vicinity of the property.*

**(C) In making its findings, the Planning Board may give consideration to the following:**

- (i) **Public transportation available in the area;**

**RESPONSE:** *This congregate living facility provides elderly care services for residents ranging in age from 65 to 90, but mostly serves individuals above the age of 75. There is a bus stop about a quarter of a mile away, but this distance is too far for the elderly residents to walk. Some of the residents do have metro access that they use where the metro van will come directly to the facility. This service is provided by a sub contracting company for Metro bus service. However, the majority of the time the facility provides transportation services to meet the needs of the residents.*

- (ii) Any alternative design solutions to off-street facilities which might yield additional spaces;

**RESPONSE:** *The Applicant has explored alternative design solutions and determined that the benefit of this residential property remaining in its existing condition outweighs any benefit that would be derived from re-designing the facility, which could potentially change the character of this home and cause it to look more commercial and different than the other homes in the neighborhood.*

(iii) The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within five hundred (500) feet of the subject property;

**RESPONSE:** *To the Applicant's knowledge, there are no other business uses within five hundred (500) feet of the subject property.*

(iv) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.

**RESPONSE:** *The development of multifamily dwellings on this property is not being proposed, and the property is not located in one of the above-referenced zones.*

### **CONCLUSION**

For all of the above-stated reasons, the Applicant submits that the proposed increase to the total number of residents at the congregate living facility meets the requirements of the Prince George's County Zoning Ordinance, and will not in any way adversely affect the subject property or the surrounding neighborhood and therefore should be approved.

Respectfully Submitted,

LAW OFFICE OF TRACI R. SCUDDER, LLC

/s/ Traci R. Scudder

Traci R. Scudder  
Attorney for Applicant

*NEEDS ANALYSIS  
FROM RESEARCH SECTION*

**Ferrante, John**

---

**From:** Kowaluk, Ted  
**Sent:** Monday, July 16, 2012 8:58 AM  
**To:** Ferrante, John  
**Subject:** IN LOVING HANDS (SE-4704/DDS-613/DPLS-373)

John,

This e-mail is to confirm that the applicant for the above referenced case has met the criteria for the need assessment and proven that there is a demonstrated need for the facility in question.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco

Countywide Planning Division  
Environmental Planning Section  
301-952-3650

August 19, 2013

**MEMORANDUM**

TO: John Ferrante, Senior Planner, Zoning Section

VIA: Katina Shoulars, Supervisor, Environmental Planning Section *KS*

FROM: Kim Finch, Planner Coordinator, Environmental Planning Section *KIF*

SUBJECT: **In Loving Hands Congregate Living Facility; Special Exception SE-4704  
Type II Tree Conservation Plan TCPII-079-94-06  
Departure from Design Standards DDS-613  
Departure from Parking and Loading Standards DPLS-373**

The Environmental Planning Section (EPS) has reviewed the above referenced Special Exception, stamped as received on April 27, 2012, along with various supporting documentation submitted on April 4, 2013 and May 14, 2013. The following information is being provided for your consideration.

The Environmental Planning finds conformance with the submission requirements for a special exception (Sec. 27-296(c)(1)(K)) with the submittal of an approved Natural Resources Inventory, NRI-066-13 and an approved TCPII, TCPII-079-94-06.

The Environmental Planning Section also finds conformance with the required environmental findings for a special exception and recommends the approval of Special Exception, SE-4704, and Type II Tree Conservation Plan, TCPII-079-94-06, subject to one condition listed at the end of this memorandum.

**Background**

The Environmental Planning Section previously reviewed this property as Preliminary Plan 4-92059 and Type I Tree Conservation Plan TCPI-003-92 for Krause's Addition to Birdlawn, which was approved by the Planning Board on May 29, 1992 subject to conditions contained in PGCPB No. 92-221. A Type II Tree Conservation Plan, TCPII-079-94 for Krause's addition to Birdlawn was approved September 15, 1994 and there have been six subsequent revisions. A NRI-EL was issued for the site on June 26, 2013. The most recent revision to the TCPII, TCPII-079-94-06, was submitted with the current application for the purpose of reflecting and mitigating all previous clearing that had occurred on-site and resolve a potential woodland conservation violation.

The current proposal is to expand a congregate living facility which has operated at this location since 2007 from eight residents to fifteen residents. Pursuant to Section 27-441(b) of the Zoning Ordinance, a congregate living facility with more than eight residents is permitted in the R-R zone by special exception. A departure from design signs is also requested to reduce the width of the driveway from a required width of 22 feet to 12 feet, and a departure from parking and loading standards to reduce the parking requirement for the congregate living facility by five parking spaces.

### Site Description

This 0.478 acre lot is in the R-R and is located at the northern end of Lucille Court, also described as Lot 9A within the platted subdivision. According to pcatlas.com, there are no wetlands, streams or 100-year floodplain located within the limits of the current application, but a nontidal wetland was identified on the adjacent Parcel A during the subdivision review process, and the wetland buffer boundary falls on the joint property line. The site is developed with an existing 4,084 square foot residence building. The site drains into Hunter's Mill Branch in the Potomac River Basin. No designated scenic or historic roads are affected by this proposal. There are no roads nearby which are classified as an arterial or higher that require evaluation as a source of traffic-generated noise. The proposed use is not expected to be a noise generator.

According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property.

According to the Web Soil Survey the principal soils on this site are in the Aquasco-Urban land complex series. According to available information, Marlboro clay is not found to occur in the vicinity of this property. This property is located in the Developing Tier as reflected in the adopted General Plan, and contains no elements of the Green Infrastructure Plan.

### 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. A Natural Resource Inventory or its equivalent is a requirement for a Special Exception application. Because there are no regulated environmental features on the site, except for woodland conservation under an approved and implemented TCPII, the site is eligible to receive a Natural Resources Inventory Equivalency Letter from the Environmental Planning Section, which was issued on June 26, 2018.

**Comment:** No further information is required regarding the NRI.

2. This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the site is greater than 40,000 square feet and contains more than 10,000 square feet of woodland. There is an approved Type 2 Tree Conservation Plan (TCPII-079-94-05 for the subject property, and the existing conditions of the subject property are now in conformance with the revised TCPII submitted with this application.

A revised single-lot revision for the subject property, TCPII-079-94-06 was submitted. The site is



0.48 acres in area and has a woodland conservation requirement of 0.08 acres based on the approved TCPII. The revised plan proposes that the woodland conservation requirement of 0.08 acres for the site be provided in fee-in-lieu at \$0.30 a square foot, for a total of \$1045.44. Fee-in-lieu is found to be acceptable because all existing woodlands have been previously removed from the site, and there is insufficient area to provide reforestation on-site. It is recommend that prior to signature approval of the special exception site plan and revised TCPII, the fee-in-lieu mitigating the previous clearing on-site needs to be paid, because no grading permit is anticipated as necessary to implement the proposed use if all departures are approved

The Environmental Planning Section finds TCPII-079-94-06 is in conformance with the requirements of the Woodland and Wildlife Habitat Conservation Ordinance, subject to the following recommended condition:

**Recommended Condition:** Prior to signature approval of the special exception site plan, the fee-in-lieu required to mitigate prior clearing as shown on revised TCPII-079-94-06, shall be paid to the county Woodland Conservation Fund.

3. In accordance with Sec. 27-317. Required findings, a Special Exception may be approved if the application is in conformance with required findings, which are evaluated below:

- (1) **The proposed use and site plan are in harmony with the purpose of this Subtitle (Section 27-102);**

This section of the subtitle includes fifteen specific purposes for the Zoning Code, most of which are not environmental in nature. The applicable sections are as follow:

- (1) **To implement the General Plan, Area Master Plans, and Functional Master Plans;**

There are no elements of the Green Infrastructure Plan associated with the subject property, so conformance with this purpose is not required.

- (13) **To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valley, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;**

- (14) **To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space;**

These purposes are not applicable to the current application.

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

The proposed list will not impair the Green Infrastructure Plan.

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

This purpose is not environmental in nature.

- (5) **The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**

This purpose is not environmental in nature.

- (6) **The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and**

The proposed site plan is now in conformance with a revised Type II Tree Conservation Plan, TCPII-079-94-06 submitted on May 14, 2013, which shows the prior clearing of all woodlands on-site, but the plan is not approved.

- (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).**

There are no regulated environmental features on this site, which has been confirmed by the approval of NRI-066-13.

- (b) **In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:**
- (1) **where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or**
  - (2) **where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.**

The subject property is not located in the Chesapeake Bay Critical Area, so conformance with these required findings is not applicable

**Recommended Finding:** The required findings of Section 25-317, have been fully demonstrated.

5. According to the Prince George's County Soils Survey the principal soils on the overall site are in the Aquasco-Urban land series.

**Comment:** This information is provided for the applicant's benefit.

6. A stormwater management concept approval letter and plans are not required for the current application because no ground disturbance is proposed. Ground disturbance may become necessary if the departure from design standards for reduction of the driveway width and the departure from parking and loading standards to reduce the number of required parking spaces are not granted.

**Comment:** No further information is required with regard to stormwater management at this time.

In Loving Hands Congregate Living Facility;  
SE-4704 and TCPII-079-94-06  
Page 5

**Summary of Required Findings and Recommended Condition**

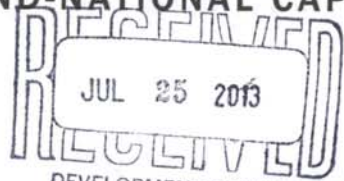
The Environmental Planning Section recommends approval of SE-4704 and TCPII-079-94-06 subject to the following:

1. Prior to signature approval of the special exception site plan and Type II tree conservation plan, the fee-in-lieu required to mitigate prior clearing as shown on revised TCPII-079-94-06, shall be paid to the county Woodland Conservation Fund.

If you have any questions please contact me via e-mail at [Kim.Finch@ppd.mncppc.org](mailto:Kim.Finch@ppd.mncppc.org) or 301-952-3506.

SE-4704  
DPLS-373

DDS618



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
www.mncppc.org/pgco

DEVELOPMENT REVIEW  
DIVISION  
NATURAL RESOURCE INVENTORY (NRI)  
EQUIVALENCY LETTER FOR A DEVELOPMENT ACTIVITY  
PRINCE GEORGE'S COUNTY

<b>Map Number:</b> 211SE03 <b>Location:</b> 8402 Lucille Court Fort Washington, MD 20744  Lot 9	<b>Date Issued:</b> June 26, 2013
	<b>Expiration Date:</b> June 26, 2018
	NRI-066-13 Associated TCP2 Number:

TO: Millennium Engineering, LLC  
6805 Coolridge Drive, Suite 203  
Temple Hills, Maryland, Maryland 20748  
c/o Kim Comedy

FROM: Chuck Schneider, Senior Planner, Environmental Planning Section 

The request for an NRI Equivalency Letter for a specific development activity has been reviewed and is hereby **approved**. The project area is located at 8402 Lucille Court, Fort Washington, MD 20744 and is further identified as Lot 9. The property is zoned R-R and is 0.47 acres in size. The evaluation of this request was based on a proposed landscape plan prepared by Millennium Engineering, LLC, dated June 6 2012. The existing on-site information was verified using the 2011 Color Imagery aerial photography and the PGAtlas.com environmental layers. This letter is valid for five years from the date of issuance, or until such time as a different development activity is proposed on the site, whichever is less.

The proposed development activity is to convert the single family home into an assisted living facility. If the scope of the proposed development changes significantly or if the limits of disturbance change significantly, a full NRI may be required and this NRI Equivalency Letter shall be declared null and void, and a new application for an Equivalency Letter or NRI plan shall be required. This letter is issued solely for the activity shown on the proposed access plan and existing conditions plan and described above.

This Equivalency Letter is issued based on the following information:

1. The site qualifies for a Standard Letter of Exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property has less than 10,000 square feet of woodland on site and has no previous TCP approvals; and
2. A proposed special exception and landscape plan, dated June 6, 2012 was submitted which shows the proposed activity and that no regulated environmental features are located on the subject property.

**A copy of this Equivalency Letter must be submitted for all stormwater management and development review applications that would otherwise require a Natural Resource Inventory.**

ACS:acs

June 6, 2012

**MEMORANDUM**

TO: John Ferrante, Senior Planner, Zoning Review Section

VIA: Ruth Grover, Planner Coordinator, Urban Design Section

FROM: Jill Kosack, Senior Planner, Urban Design Section *JK*

SUBJECT: In Loving Hands - Special Exception SE-4704, Departure from Design Standards DDS-613 and Departure from Parking and Loading Standards DPLS-373

The Urban Design Section has reviewed the information provided in support of the Special Exception SE-4704, Departure from Design Standards DDS-613, and Departure from Parking and Loading Standards DPLS-373. The SE application proposes a congregate living facility for more than eight residents, in the Rural Residential (R-R) Zone. The departure application, DDS-613, requests a waiver of 12 feet of the 22-foot driveway width required by Section 27-560(a) of the Zoning Ordinance to allow for a 10-foot wide driveway and the departure application, DPLS-373, requests a waiver of five of the parking spaces required by Section 27-568 of the Zoning Ordinance.

The subject property is located directly north of Lucille Court, approximately 230 feet north of its intersection with Lucille Drive, and has the address of 8402 Lucille Court, Fort Washington, Maryland. It is bounded to the north and west by properties improved with single-family detached houses in the R-R Zone; to the east by a vacant property in the R-R Zone; and to the south by the public right-of-way for Lucille Court.

The subject site, also known as Lot 9, Block A of Krause's Addition to Bird Lawn Subdivision, totals 20,819 square feet, or 0.478 of an acre. The wedge-shaped site is developed with a single-story, 16-foot-high, 7,168-square foot, brick building, built in approximately 2003 as a single-family detached house. The property received a use and occupancy permit, #27720-2007-00, in 2007 for a congregate living facility for up to eight residents, which is a use that is permitted in the R-R Zone. This application requests a change the use of the site to a congregate living facility for more than eight residents, specifically for 15 residents, which requires an SE in the R-R Zone. No physical site changes or improvements are proposed with this application.

**ZONING ORDINANCE**

Section 27-442 of the Zoning Ordinance includes the regulations for development in residential zones, including the R-R Zone. Section 27-442(c) lists the maximum percentage of lot coverage allowed for various uses. For "other allowed uses", such as the proposed congregate living facility, in the R-R Zone,

60 percent lot coverage is allowed. The submitted site plan has a couple inaccuracies regarding this requirement. First, it says the total lot coverage allowed is 25 percent, which is incorrect as 60 percent is allowed for the proposed use. Then it lists the proposed lot coverage as 27.5 percent, as allowed per Variance V-79-02, whereas when the areas of the structures are totaled together, they equal more than 30 percent lot coverage. This should be corrected before the plans are approved.

Section 27-344 (a) of the Zoning Ordinance includes the following urban design-related required findings for the subject special exception:

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

**Comment:** The applicant did not provide any specific evidence that this requirement is being met; however, it is likely, given the size of the house, that the requirement is being fulfilled. Staff is concerned though that half of the square footage of the existing building is fully below ground, possibly with no external windows or doors for light, air or emergency egress. Therefore, the Urban Design Section recommends that information be provided indicating this bedroom square footage requirement being met and that all of the bedrooms for the residents will have sufficient light, air and emergency egress.

## **ARCHITECTURAL REVIEW**

No physical changes or improvements are proposed for the existing building on-site. The Urban Design Section, through the review of photographs, notes that the existing building is designed and maintained in a manner that sufficiently blends with the surrounding residential properties.

## **LANDSCAPE MANUAL**

As the application for the congregate living facility involves a change in use from a lower to a higher intensity use, it is subject to the requirements of the 2010 *Prince George's Landscape Manual* (Landscape Manual). However, when the applicant submitted an Alternative Compliance Pre-Application, ACP-11030, in December of 2011, the Committee incorrectly determined that the application was not subject to Section 4.7, Buffering Incompatible Uses, of the Landscape Manual. The application proposes to increase the number of residents in the congregate living facility above eight, thereby increasing the intensity of the use, as can be construed from the fact that the use now requires a Special Exception, whereas previously it was permitted by-right. Therefore, the application is subject to the Landscape Manual, including Section 4.7.

### **Section 4.2 - Requirements for Landscaped Strips along Streets**

**Comment:** The site is subject to Section 4.2, Commercial and Industrial Landscaped Strip Requirements, along its Lucille Court frontage. The submitted site plan provides a 4.2 schedule; however, it has multiple mistakes including the General Plan Tier Designation, which should be Developing, not Developed, and the number of required plants, which should be 2 shade trees and 13 shrubs. Therefore, the provided number of plants is

insufficient. All of these mistakes should be corrected and conformance to the requirements of this section demonstrated before plan approval.

#### **Section 4.3 - Parking Lot Requirements**

**Comment:** The project is not subject to the requirements of Section 4.3 of the Landscape Manual, because the proposed parking area is less than 7,000 square feet.

#### **Section 4.4 - Screening Requirements**

**Comment:** The project is not subject to the requirements of Section 4.4 of the Landscape Manual, as there are no loading spaces, trash facilities, or mechanical equipment on the site.

#### **Section 4.7 - Buffering Incompatible Uses**

**Comment:** The site is subject to the requirements of Section 4.7 of the Landscape Manual, as incompatible residential uses (single-family detached residential units) are located adjacent to the subject property to the north, west and east. Schedules are provided on the site plan indicating the required Type "B" bufferyard along each of these property lines. However, there are multiple other inaccuracies in these schedules including the General Plan Tier Designation, which should be Developing, not Developed; the required and provided landscaped yard widths; the linear feet of buffer strip required along the property line; and the number of plant units required with a correct calculation for the reduction allowed for the fence. The schedules also note that Alternative Compliance (AC) is required for the minimum building setbacks and landscape yard widths provided. Therefore, the Urban Design Section recommends that an AC application be submitted and approved, and the plans revised in accordance with the AC approval, prior to signature approval.

#### **Section 4.9 - Sustainable Landscaping Requirements**

**Comment:** The site is subject to the requirements of Section 4.9 of the Landscape Manual and the appropriate schedule demonstrating conformance to its requirements being met has been provided on the plan. Also, the number of native shrubs provided in the schedule should be corrected.

#### **TREE CANOPY COVERAGE**

As the subject application concerns only a use and occupancy permit, it will not require a permit for more than 1,500 square feet of disturbance, and, therefore, it is exempt from the requirements of the Tree Canopy Coverage Ordinance (TCC).

#### **DEPARTURES**

DDS-613, requests a waiver to allow for the existing 10-foot wide driveway to serve the one provided parking space. The Urban Design Section agrees with the applicant's argument that being required to widen the driveway to the full, required 22-foot width would alter the front yard appearance of the property and possibly detract from the residential appearance of the property and neighborhood.

DPLS-373, requests a waiver to provide only one of the required six parking spaces on-site. The applicant argues that none of the current residents of the facility have vehicles or drive; however, this does not

account for parking that would be needed for visitors and/or staff. The Urban Design Section agrees with the applicant's argument that being required to add five more parking spaces would alter the appearance of the front yard and detract from the residential appearance of the property and neighborhood. It is also noted that the lot is located at the end of a full-width cul-de-sac that serves only one other lot, so occasional parking of cars along the cul-de-sac would probably not be a traffic hazard. Urban Design staff would suggest that the departure from parking and loading standards be referred to the Transportation Planning Section and the Department of Public Works and Transportation for further review and comment.

#### **URBAN DESIGN RECOMMENDATIONS**

Based on the above analyses, the Urban Design Section recommends the following be required prior to SE approval:

1. Correct the allowed and provided lot coverages listed on the site plan.
2. Revise the Section 4.2 landscape schedule to correct all inaccuracies and to provide the required number of plants.
3. Submit, and have approved, an AC application for the Section 4.7 requirements and revise the SE site plan to reflect that approval.
4. Revise the Section 4.9 landscape schedule to reflect the correct number of native shrubs provided.





**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
 14741 Governor Oden Bowie Drive  
 Upper Marlboro, Maryland 20772

DATE: March 20, 2013  
 TO: Fern V. Piret, Planning Director  
 FROM: Patrick Reidy, Alternative Compliance Committee  
 PROJECT NAME: In Loving Hands Congregate Living Facility, Lot 9, Block A  
 PROJECT NUMBER: Alternative Compliance AC-11030  
 COMPANION CASE: Special Exception SE-4704

**ALTERNATIVE COMPLIANCE COMMITTEE REVIEW**

Recommendation:  Approval  Denial

Justification: SEE ATTACHED

Patrick Reidy

*Patrick Reidy*  
 Reviewer's Signature

**PLANNING DIRECTOR'S REVIEW**

Final Decision  Approval  Denial

Recommendation  Approval  Denial

- To Planning Board
- To District Council
- To Zoning Hearing Examiner

Planning Director's Signature *Fern Piret* Date *3/21/13*

**APPEAL OF PLANNING DIRECTOR'S DECISION**

Appeal Filed:

Planning Board Hearing Date:

Planning Board Decision:  Approval  Denial

Resolution Number:

Alternative Compliance: AC-11030  
Name of Project: In Loving Hands Congregate Living Facility, Lot 9, Block A  
Underlying Case: Special Exception SE-4704  
Date: March 20, 2013

Alternative Compliance is requested from Section 4.7, Buffering Incompatible Uses, of the *Prince George's County Landscape Manual*.

**Location:**

The subject property is located on the north end of Lucille Court, near the intersection of Lucille Drive and Allentown Road. The specific address is 8402 Lucille Court, Fort Washington, Maryland.

**Background:**

The subject property, In Loving Hands Congregate Facility, is a 20,819-square-foot lot in the Developing Tier and is zoned Rural Residential (R-R). The underlying case, Special Exception SE-4704, proposes a congregare living facility for up to 15 residents. This proposal places the use into a Special Exception congregare living facility, rather than an accessory use to a dwelling, which is permitted by right. The property is improved with the current existing single-family dwelling which houses the accessory use of a congregare living facility with up to eight residents. Adjacent to the subject property is a single-family detached home zoned R-R along the northern and western property line, and a vacant lot in the R-R Zone along the eastern property line. The property has frontage on Lucille Court.

The site is subject to the *Prince George's County Landscape Manual* (Landscape Manual) Sections 4.2, 4.3, 4.7, and 4.9. The applicant has filed this request for Alternative Compliance from Section 4.7, Buffering Incompatible Uses, to allow a reduction in the width and planting units of the required bufferyards along the western and eastern property lines.

REQUIRED: 4.7 Buffering Incompatible Uses, along the western property line adjacent to a single-family residence.

Length of bufferyard	209 feet
Building setback	30 feet
Landscape yard	20 feet
Fence or wall	Yes (six-foot-high, sight-tight)
Plant units (80 per 100 l.f.)	105

PROVIDED: 4.7 Buffering Incompatible Uses, along the western property line adjacent to a single-family residence.

Length of bufferyard	209 feet
Building setback	9 feet
Landscape yard	9 feet
Fence or wall	Yes (six-foot-high, sight-tight) 157 feet or 75%
Plant units	0

REQUIRED: 4.7 Buffering Incompatible Uses, along the eastern property line adjacent to a single-family residence.

Length of bufferyard	250 feet
Building setback	30 feet
Landscape yard	20 feet
Fence or wall	No
Plant units (80 per 100 l.f.)	200

PROVIDED: 4.7 Buffering Incompatible Uses, along the eastern property line adjacent to a single-family residence.

Length of bufferyard	250 feet
Building setback	8 feet
Landscape yard	8 feet
Fence or wall	No
Plant units	0

**Justification of Recommendation:**

The applicant is requesting Alternative Compliance from Section 4.7, Buffering Incompatible Uses, along the western property line adjacent to a single-family residence, to allow a reduction in the minimum building setback, landscaped yard width, and required plant units. In this area, the applicant is proposing to provide a nine-foot building setback, and a six-foot-high, vinyl, sight-tight fence along 75 percent of the required bufferyard length. No plant units are proposed in the side landscape yard. The remainder of the required landscaped yard is be paved as it is the driveway. The applicant justifies that the existing fence provides an adequate buffer that is equal to the *Prince George's County Landscape Manual* requirement. While the committee notes that the fence will help reduce the impact of the congregate living facility on the adjoining residential use, it is not justification for the 70 percent reduction in the required building setback width, the 55 percent reduction in landscape yard, and the 100 percent reduction in the required plant units. The Alternative Compliance Committee finds that the proposal along the western property line for Section 4.7, Buffering Incompatible Uses, is not equally effective compared to the normal requirements of the *Prince George's County Landscape Manual*.

The applicant is also requesting Alternative Compliance from Section 4.7, Buffering Incompatible Uses, along the eastern property line adjacent to a vacant single-family residential lot, to allow a reduction in the minimum building setback, landscaped yard width, and required plant units. In this area, the application indicates an eight-foot-wide building setback. The applicant argues that the existing mature tree on the adjoining lot provides an adequate buffer that is equal to the *Prince George's County Landscape Manual* requirement. The adjacent lot is vacant and will most likely be built upon in the future. The existing vegetation may not remain if the lot is built upon. The 73 percent reduction in the required building setback width, the 60 percent reduction in landscape yard, and the 100 percent reduction in the required plant units does not justify the granting of alternative compliance. Landscaping on adjacent lots is only permitted to be counted towards a bufferyard if it is shown on an approved landscape plan. The Alternative Compliance Committee finds that the proposal for Section 4.7, Buffering Incompatible Uses, is not equally effective compared to the normal requirements of *Prince George's County Landscape Manual*.

**Recommendation:**

The Alternative Compliance Committee recommends DENIAL of Alternative Compliance for Section 4.7 and recommends that the applicant apply for a Departure from Design Standards to seek relief from the *Prince George's County Landscape Manual*.

May 10, 2012

**MEMORANDUM**

TO: John Ferrante, Senior Planner, Zoning Section

FROM: Debbie Gallagher, Information and Permit Review Supervisor, Development Review Division *DE*

SUBJECT: Referral Comments for In Loving Hands (SE-4704/DDS-613/DPLS-373)

**1. The site plan must demonstrate conformance with Sec. 27-344. Congregate living facility.**  
The applicant must provide a plan that demonstrates conformance with (3) below.

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

- (1) There is a demonstrated need for the facility;
- (2) The facility is in compliance with the physical requirements of Subtitle 12, Division 7, of this Code, and shall be operated in accordance with the licensing and other requirements of that Subtitle; and
- (3) There shall be a separate bedroom of a minimum of one hundred (100) square feet for each resident, or a separate bedroom of a minimum of one hundred and sixty (160) square feet for every two residents, or any combination of the above, so as to satisfy the accommodations requirements of the "Regulations for Congregate Living Facilities" (required by Section 12-173(d) of this Code), for the maximum number of permitted residents.  
(CB-90-1985)

2. The applicant applied for a preliminary Alternative Compliance. The Alternative Compliance Committee found that the site was exempt from the requirements of Section 4.7 of the Landscape Manual because the proposed revision did not involve an increase of greater than 10 percent of the existing gross floor area, no part of any structure extends closer to an adjacent property, and the revision does not necessitate a change in use from lower to higher. This request does necessitate a change in use from lower to higher. The original use was not deemed commercial in nature. The use was still considered

residential not requiring bufferyards or parking. Once the number of residents exceeds the number permitted it changes the character of the use. Section 1.4 (i), (3) requires that all building and grading and or use and occupancy permits are subject to Section 4.7 when they involve a change of use from lower to higher-intensity use category as defined in Table 4-7-1. This use is deemed to now be a lower intensity use requiring bufferyard.

3. The Landscape Plan must demonstrate conformance with Section 4.9 of the Landscape Manual.
4. Is the site subject to Tree Canopy Coverage? Refer to Environmental Planning for review.
5. It appears that there will not be any parking provided for the employees or the family members visiting the residential of the facility, the handicap parking space can only be used for handicap purposes. Piggy back parking is not allowed for any use other than residential.
6. The review of this referral does not include the review of any signs.



**The Maryland-National Capital Park and Planning Commission**  
 Urban Design Section  
 Development Review Division  
 14741 Governor Oden Bowie Drive  
 Upper Marlboro, Maryland 20772  
 (301) 952-3530

SE-4704

December 6, 2011

TO: Traci R. Scudder, Esq.  
 P.O. Box 114  
 Bowie, MD 20719

DDS618  
 DPLS-373

FROM: Sherri Mosclcy, Alternative Compliance Committee

SUBJECT: Project Name: In Loving Hands, Lot 9, Block A of Krause's Addition to Bird Lawn  
 Project No.: ACP-11030

**ALTERNATIVE COMPLIANCE PRE-APPLICATION REVIEW**

The Alternative Compliance Committee has reviewed this pre-application submittal and reached the following conclusions:

The applicant has requested Alternative Compliance from Section 4.7 along the eastern and western property lines.

The Committee finds the site is exempt from the requirements of Section 4.7 of the Landscape Manual because the proposed revision does not involve an increase of greater than 10 percent of the existing gross floor area, no part of any structure extends closer to an adjacent property, and the revision does not necessitate a change in use from a lower to higher intensity use category as is stated in Section 1.1(i). However, the Alternative Compliance Committee finds that the plant material and fencing proposed to be incorporated into the plan is appropriate for protection of the adjacent properties and is consistent with Section 27.328-02 of the Zoning Ordinance in order to protect the adjacent single-family detached dwellings from the increased enrollment of the Congregate Living Facility.

The Committee also finds the Landscaping Concepts basically acceptable (assuming subsequent review of the underlying case and any companion case does not reveal conditions or problems which would necessitate changes to plan).

Any Committee finding of Acceptability will expire in 90 days.

Reviewer's Signature *Sherri Mosclcy* Date 12/6/11

Committee Chair's Signature *[Signature]* Date 12/6/11

ACPREAT.FRM



The Maryland-National Capital Park and Planning Commission  
 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772 301-952-3530  
 Development Review Division – 301-952-3749 (fax)

**\*\* REFERRAL REQUEST \*\***

Date: 4/26/2012  
 To: RAY PALFREY, PARK PLANNING  
 From: JOHN FERRANTE, SENIOR PLANNER, ZONING SECTION  
 Subject: IN LOVING HANDS (SE-4704/DDS-613/DPLS-373)

*JMB DPR*  
*5/3/12*

**IDENTIFICATION OF MAJOR ISSUES DUE DATE\*: 5/11/2012**  
 \*Note: E-mail any major issues/problems to the reviewer by the above date.

**SUBDIVISION REVIEW COMMITTEE DATE:**

**REFERRAL DUE DATE: N/A**

<input checked="" type="checkbox"/> Full Review of New Plan	<input type="checkbox"/> Revision of Previously Approved Plan
<input type="checkbox"/> Limited or Special Review	<input type="checkbox"/> Plans/Documents Returned for Second Review Following Revision by Applicant

NOTE: This case is being reviewed at:  Planning Board level OR  Planning Director level

COMMENTS: Please e-mail major issues to John Ferrante at John.Ferrante@ppd.mnccpc.org

Related Cases: \_\_\_\_\_

**REFERRAL REPLY COMMENTS:**

*NO COMMENTS*  
*Paul Jh 7/5/12*

**NOTE: IF YOU HAVE NO COMMENTS, PLEASE INDICATE ABOVE AND FORWARD OR FAX TO THE REVIEWER'S ATTENTION.**



May 31, 2012

MEMORANDUM

TO: John Ferrante, Zoning Section, Development Review Division  
VIA: Cynthia Fenton, Acting Supervisor, Community Planning South Division  
FROM: Chidy Umeozulu, Planner Coordinator, Community Planning South Division  
SUBJECT: **SE-4704/DDS-613/DPLS-373 In Loving Hands**

**DETERMINATIONS**

General Plan: This application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier by maintaining low- to moderate-density land uses.

Master Plan: This application conforms to the residential low-density land use recommendation in the 2006 Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment.

**BACKGROUND**

Location: Lucille Court, west of the intersection of Lucille Drive and Allentown Road

Size: 0.48 acres

Existing Uses: Congregate living facility for up to eight elderly residents

Proposal: Congregate living facility for up to 15 elderly residents

**GENERAL PLAN, MASTER PLAN AND SMA**

**2002 General Plan:** The property is located in the Developing Tier. The vision for 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.

**Master Plan:** *2006 Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*

**SE-4704 In Loving Hands**

May 31, 2012

Page 2

Planning Area/  
Community: PA 76B/Henson Creek

Land Use: Residential low-density land use (up to 3.5 dwelling units per acre)

Environmental: Refer to the Environmental Planning Section referral for conformance with the Environmental Infrastructure Chapter of the master plan and the 2005 *Countywide Green Infrastructure Plan*.

Historic Resources: There are no historic sites or resources on or adjacent to the site.

Transportation: The master plan recommends that Allentown Road (C-718) be maintained at its current width – either two lanes or four lanes – with frontage and safety improvements as deemed necessary.

Public Facilities: There are no public facilities proposed on the subject property.

Parks & Trails: There are no parks proposed on or adjacent to the subject property. A continuous sidewalk and designated bike lane are recommended along Allentown Road.

**SMA/Zoning:** The 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* retained the existing R-R Zone.

c: Ivy A. Lewis, Chief, Community Planning South Division  
Long-range Agenda Notebook



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**


Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

August 3, 2012

**MEMORANDUM**

TO: John Ferrante, Zoning Section, Development Review Division

FROM:  Tom Masog, Transportation Planning Section, Countywide Planning Division

SUBJECT: SE-4704, DDS-613, and DPLS-373, In Loving Hands

The Transportation Planning Section has reviewed the special exception application referenced above. The subject property consists of 0.48 acres of land in the R-R Zone. The property is located at the north end of Lucille Court approximately 700 feet southwest of the intersection of Allentown Road and Tucker Road. The site is currently developed with a residence that is used as a congregate living facility. The applicant is requesting the special exception to expand the congregate living facility from eight to 15 residents. The applicant is also requesting a departure from design standards (DDS) to allow the existing narrow driveway to serve the use. Finally, the applicant is requesting departure from parking and loading standard to provide fewer parking spaces than would be required by strict adherence to Subtitle 27.

**Review Comments—Special Exception**

The special exception is generally required for congregate living facilities larger than eight residents. Specific review requirements for a congregate living facility include need, along with compliance with other portions of the County Code and licensing. These are in addition to the general review of a special exception, which includes an examination of the impacts of the use on the health, safety, and welfare of residents and workers in the area, the impacts on any approved functional or area master plan, the impacts on adjacent properties and the general neighborhood, and environmental issues. No specific traffic-related findings are required.

The site contains a residence that is currently used as a congregate living facility for eight persons, and would be expanded to 15 residents under the special exception with no new construction or expansion of the residence. The impact of the congregate living expansion is estimated using trip rates from *Trip Generation* (Institute of Transportation Engineers). Neither the "Congregate Care Facility" nor the "Assisted Living" uses are ideal descriptors of this use; both uses are much larger than this use with a greater range of services. It appears that these types of facilities have about one-quarter the trip generation of typical housing during the AM peak hour, and about one-third the trip generation during the PM peak hour. Using the estimates as described above, the trip impact is as follows:

Comparison of Estimated Trip Generation, SE-4704								
Zoning or Use	Units or Square Feet	AM Pk. Hr. Trips			PM Pk. Hr. Trips			Daily Trips
		In	Out	Total	In	Out	Total	
<b>Existing Use</b>								
Congregate Living	8 residents	2	0	2	1	1	2	24
<b>Proposed Use</b>								
Congregate Living	15 residents	2	1	3	2	2	4	45
<b>Difference</b>		+0	+1	+1	+1	+1	+2	+21

The increased size is not appear to be sufficient to trigger the need for additional studies of traffic impacts and would typically be determined to be de minimus. There are no apparent traffic-related safety issues that would result from the expansion of the use. It is important to remember that adequacy of transportation facilities is not an issue in the review of this use; review is strictly within the required findings of health, safety, and welfare.

The site is not within or adjacent to any master plan transportation facilities.

**Review Comments—Departure from Parking and Loading Standards**

The application requests a waiver of the parking standards in the Zoning Ordinance to allow a reduction in the number of the parking spaces. The Zoning Ordinance provides minimum standards for on-site parking and loading on the subject property for two primary reasons. The standards protect the patrons of the subject property from the problems caused by not having adequate and available parking at hand. The parking standards also protect neighboring property owners from the problems caused by persons residing on or visiting the subject property and using parking spaces on adjacent land or streets during that time.

The justification statement has not provided any basis for a reduction in the number of parking spaces other than the fact that it is inconvenient to provide them. Section 27-568 provides a parking requirement for a congregate living facility for elderly/physically handicapped persons. Nothing has been shown that indicates how the elderly/physically handicapped persons in the subject facility would differ from the elderly/physically handicapped persons considered when Section 27-568 was written.

**Review Comments—Departure from Departure Standards**

The application requests a waiver of the design standards in the Zoning Ordinance to allow a reduction in the size of the driveway connecting to the street. For uses other than single family residences, the Zoning Ordinance requires a minimum width of 22 feet. Given the relatively low trip generation for the site, some reduction may be justifiable. If additional parking were to be provided in some way, however, it would be necessary to see where that parking is provided before commenting on the DDS.

**Conclusion**

The Transportation Planning Section finds that the proposal for expanded uses on the site, in consideration that the net trip generation is relatively small, would not pose unanticipated safety issues on adjacent roadways. However, neither departure seems well-justified at this time.



Rushern L. Baker, III  
County Executive

# PRINCE GEORGE'S COUNTY GOVERNMENT



Department of Public Works and Transportation  
Office of Engineering



## MEMORANDUM

July 2, 2012

**TO:** John Ferrante, Senior Planner  
Zoning Section, M-NCPPC

**FROM:** *fm* Dawit Abraham, P.E., Associate Director  
Office of Engineering, DPW&T

**RE:** In Loving Hands  
Special Exception Plan No. 4704  
Departure from Design Standards No. 613  
Request for Departure from Parking and Loading Spaces  
No. 373

**CR:** Lucille Court, 3-1235



In response to the Special Exception Plan No. 4704 referral, the Department of Public Works and Transportation (DPW&T) offers the following:

1. The site is located at 8402 Lucille Court, Fort Washington, Maryland, south of the Capital Beltway (I-495), east of Indian Head Highway (MD 210) and west of Allentown Road.
2. A Use & Occupancy Permit was issued on July 18, 2007, for a congregate living facility for elderly and/or disabled for up to eight (8) residents as permitted by the Prince George's County Zoning Ordinance ("Zoning Ordinance"), and this existing congregate living facility is licensed for eight (8) residents. This application is to expand the existing facility to fifteen (15) residents. The requested use will not require an addition or expansion to the building.
3. DPW&T does not support DDS-613, departure of 12 feet from the required driveway width. Roadway frontage improvements along the property in accordance with DPW&T's Specifications and Standards are required. A commercial driveway entrance (30' width) is required. In addition, approved street lights, street trees and traffic plans are required. A standard street construction permit for the roadway improvements is required.

John Ferrante  
July 2, 2012  
Page 2

4. DPW&T does not support DPLS-373, departure of 5 parking spaces for a congregate living facility. This will impact the operation of the roadway.
5. Conformance with DPW&T's Specifications and Standards and the Americans with Disabilities Act.
6. Conformance with the street tree and street lighting specifications and standards is required.
7. Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required. The surrounding berm is to be placed outside of the Public Utility Easement.
8. Stormwater management concept plan approval from DPW&T for the site is required prior to the approval of this special exception application.
9. Applicant to obtain grading permits and street construction permit.
10. DPW&T has no objection to the proposed request for a Special Exception, SE-7404, for the proposed expansion of congregate living facility, however, we do not support DPLS-373 nor DDS-613.

If you have any questions or need additional information, please contact Steve Snyder, P.E., District Engineer for the area, at (301) 883-5710.


DA:MT:dar

cc: Steve Snyder, P.E, District Engineer, EISD, OE, DPW&T  
Brian Winterwerp, Engineering Technician, OE, DPW&T  
Traci R. Scudder, P.O. Box 114, Bowie, Maryland 20719  
Carlos Watson, 8402 Lucille Court, Fort Washington,  
Maryland 20744

June 1, 2012

**MEMORANDUM**

**TO:** John Ferrante, Zoning Section

**VIA:** Whitney Chellis, Subdivision Section 

**FROM:** Patrick Reidy, Subdivision Section

**SUBJECT:** Referral for In Loving Hands, SE-4704

The property is known as Lot 9, Block A, located on Tax Map 115 in Grid A-1, and is 20,819 square feet. Lot 9 was resubdivided in 1992, and recorded in plat book VJ 170-80. The 80-foot building restriction line, bearings and distances of the property as reflected on the site plan is consistent with the record plat.

The property is improved with a 7,168 square-foot congregate living facility. All structures are to remain and no new structures are being proposed. The applicant has submitted a special exception to expand the maximum residents allowed from 8 residents to 15 residents. The record plat contains three notes and the following notes in bold relate to the review of this application:

- 1. Approval of this plat is based upon a reasonable expectation that public water and sewer service will be available when needed and is conditioned on fulfilling all of the commitments pursuant to the Washington Suburban Sanitary Commission's authorization # 90-8479L.**

Based on the information provided on PGAltas and Note 9 on the site plan of the Special Exception, the property is currently in Water and Sewer Category 3, planned or existing community system.

- 2. Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/3/92), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner(s) subject to mitigation under the Woodland Conservation Ordinance/Tree Preservation Policy and Subtitle 25.**

Conformance of this application to the TCPI and TCPII should be reviewed and determined by the Environmental Planning Section.

The property is the subject of Preliminary Plan 4-92059. The preliminary plan of subdivision

is for 11 single-family dwellings and was originally adopted by the Prince George's County Planning Board on September 10, 1992 (PGCPB No. 92-221). The resolution for the approved preliminary plan contains seven conditions and the following conditions in bold relate to the review of this application:

3. **Development of this subdivision must be in accordance with the approved Stormwater Management Concept Plan (CSD #898006700).**

Conformance of this application to the TCPI and TCPII should be reviewed and determined by the Environmental Planning Section.

The resolution for the approved preliminary plan contains ten findings and the following in bold relate to the review of this application:

7. **The T&PFPD reviewed the proposed subdivision's impact on the area road network and concluded the following:**

**b. The application is a Preliminary Plat of Subdivision for a residential development consisting of 14 single-family dwellings. The proposed development would generate 9 AM and 12 PM peak hour vehicle trips as determined using The Guidelines for the Analysis of the Traffic Impacts of Development Proposals.**

Conformance of this application should be reviewed and determined by the Transportation Planning Section.

The Special Exception-4704 is in substantial conformance with the approved Preliminary Plan 4-92059 and the record plat if the above comments are addressed. There are no other subdivision issues at this time.



Recd 7.18.02



**THE PRINCE GEORGE'S COUNTY GOVERNMENT**

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772  
TELEPHONE (301) 952-3220

# 204 3102  
8402 - LUCAS ET

*NOTICE OF FINAL DECISION*

*OF BOARD OF APPEALS*

RE: Case No. V-79-02 Krause Design & Construction, Inc.

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: July 10, 2002

**CERTIFICATE OF SERVICE**

This is to certify that on July 12, 2002, the above notice and attached Board Order were mailed, postage prepaid, to all persons of record.

Anne F. Carter  
Administrator

cc Chief, Licenses & Permits Office  
M-NCPPC, Permit Review Section

- PRIOR APPROVED VARIANCE FOR LOT COVERAGE

**BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND**  
*Sitting as the Board of Zoning Appeals*

Petitioner: Krause Design & Construction, Inc.  
Appeal No.: V-79-02  
Heard and Decided: July 10, 2002  
Board Members Present and Voting: Christine L. Jowers, Chairperson  
Raymond Krasnick, Vice Chairman  
Mark A. Johnson, Member

**ORDER OF THE BOARD**

This appeal was brought to the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland, requesting a variance from the strict application of the Zoning Ordinance for the Maryland-Washington Regional District in Prince George's County, Maryland, said land being within the Maryland-Washington Regional District and the Board having jurisdiction.

It was explained to the Board that a variance was requested in order to construct a new single-family dwelling and driveway. Section 27-442(c)(Table II) of the Zoning Ordinance prescribes that not more than 25% of the net lot area shall be covered by buildings and off-street parking. A variance of 2.5% net lot coverage was requested.

The following testimony and evidence were presented to the Board for its consideration:

1. The property was subdivided in 1994, contains 20,819 square feet, is zoned R-R and is to be improved with a single-family dwelling and driveway.
2. The property is a long, narrow, pie-shaped lot located on a cul-de-sac.
3. Petitioner explained that the house has to be set back a long distance from the street due to the shape of the property. Due to the narrowness of the lot, an 80-foot front building line width, required for development on the subject lot, does not occur until midway back on the property.
4. Petitioner further explained that the length of the driveway needed to access the house is places the property over the amount of net lot coverage allowed. A variance of 2.5% is requested.
5. It was stated that the fact the house must be built so far back on the lot causes the necessity for an increased driveway length.
6. Petitioner stated that the amount of the variance is quite small relative to the size of the lot; 2.5% of the total net lot area is equivalent to approximately 534 square feet.
7. The neighbors to the rear of the subject property voiced objection, having purchased their property believing they were also purchasing a portion of the subject property. The neighbors assumed that the front of their house would face the rear of the proposed house, but further discussion at the hearing led them to an understanding that the rear of the proposed house would face the rear of their house.
8. The Subdivision Section of the Maryland-National Capital Park and Planning Commission reviewed the request. The Subdivision Section stated that the requested variance is not in conflict with the record plat for the subject property because no "building" development is proposed which violates

Appeal No. V-79-02

-2-

the existing recorded building restriction line shown on the plat. The BRL was established for the purpose of defining the area where the minimum lot width at the building line occurs.

APPLICABLE CODE SECTION AND AUTHORITY

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of which would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

After hearing all the testimony and reviewing the evidence presented, the Board finds that:

Due to the narrowness and unusual shape of the property, the required front building line width not occurring on the property until halfway back from the street, the need for a long driveway being caused by the shape of the property, the length of the driveway causing the amount of lot coverage to exceed the amount allowed in the subject zone, and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owner of the property.

THE BOARD THEREFORE RESOLVED, unanimously, that a variance of 2.5% from the net lot coverage requirement in order to construct a new single-family dwelling and driveway on the property located at Lot No. 9, Block A, Krause's Addition to Bird Lawn Subdivision, being 8402 Lucille Court, Fort Washington, Prince George's County, Maryland, is hereby APPROVED.

BOARD OF ZONING APPEALS

By: Christine L. Jowers, Chairperson

NOTICE

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-233(a) of the Prince George's County Code states:

A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.



PRINCE GEORGE'S COUNTY \*DEPARTMENT OF ENVIRONMENTAL RESOURCES \*PERMIT OFFICE

9400 PEPPER CORN PLACE, SUITE 600, LARGO, MD 20774, (301) 883-5900 or (301) 883-5776

APPLICATION FOR PLAN EXAMINATION AND PERMIT

(Please do not write in shaded areas)



Case Number: 27720 Year: 2007 Type: U&O Rev: 00 Date: 7/18/07

Site Information Land Tax Account: 2871036 Election District: Lot: Block: Parcel: Tax Map: Grid: Zone:

Address: 8402 Lucille Ct Suite/Unit: Liber: Folio: SCD: PLAT:

City/Town/State/Zip: Ft. WASHINGTON MD Subdivision: Referenced Permit Number:

TYPE OF PERMIT PLEASE CHECK ONE: New Residential, Misc. Residential, New Commercial, Misc. Commercial, Addition, Alteration/Repairs, Grading, Logging, Mechanical, Spec./Other/Raze, Fire Alarm/Hood, Fire/Sprinklers, Use & Occupancy (U&O), Temp U&O, Sign (Bldg), Sign (Ground). EXISTING SITE USE: SFD. PROPOSED USE: SFD. WORK DESCRIPTION: Assisted Living.

PROPERTY OWNER INFORMATION: Company Name: INDEPENDENT NURSING INC., Name: CARLOS WATSON, Address: 3202 Lucille DR, City/State/Zip: Ft. WASHINGTON MD 20744, Telephone: 301-265-1896, 240-320-3372. WORK SIZE DESCRIPTION & TOTAL AREA: Height, Width, Depth, Total Site Area, Disturbed Area, Floor Area, Est. Construction Cost, Water Services, Sewer Services.

U&O OCCUPANT'S INFORMATION: Company Name: INDEPENDENT NURSING INC., Trade Name: IN LOVING HANDS, Name: CARLOS WATSON, Address: 8402 Lucille Ct, City/State/Zip: Ft. WASHINGTON MD 20744, Telephone: 301-265-1896, 240-320-3372. CONTRACTOR'S INFORMATION: License Type & Number, Company Name, Owner's Name, Address, City/State/Zip, Telephone.

APPLICANT'S INFORMATION: Company Name: INDEPENDENT NURSING INC., Name: CARLOS WATSON, Address: 3202 Lucille DR, City/State/Zip: Ft. WASHINGTON MD 20744, Telephone: 301-265-1896, 240-320-3372. ARCHITECT'S/ENGINEER'S INFORMATION: Company Name: The Maryland-National Capital Park and Planning Commission, Date: 7/18/07, APPROVED stamp, PERMIT #, handwritten notes.

FOR OFFICE USE ONLY: Reviewer, Date, M-NCPPC, Fire Eng, DPW&T, Site Eng, Structural Eng, Mechanical Eng, Electrical Eng, Issuance.

Applicant Signature: Carlos Watson

Date: 7-18-07

Permit Specialist: [Signature]

I hereby certify that I have authority of the property owner to make this application and that the information is complete and correct and, if a permit is issued, the construction and/or use will conform to the Building Code, the Zoning Ordinance, municipal and local covenants, homeowners/civic association regulations, and other applicable laws and regulations including private building restrictions, if any, which relate to the property.