



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

## Special Exception Alternative Compliance Contee Estate, LLC an Assisted Living Home

**SE-4811  
AC-19008**

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

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



Gross Acreage:	1.32
Zone:	R-R
Dwelling Units:	1
Gross Floor Area:	N/A
Lots:	2
Parcels:	0
Planning Area:	60
Council District:	01
Election District:	10
Municipality:	N/A
200-Scale Base Map:	219NE06

Planning Board Date:	09/12/19
Planning Board Action Limit:	N/A
Staff Report Date:	08/28/19
Date Accepted:	12/10/18
Informational Mailing:	01/29/19
Acceptance Mailing:	11/29/18
Sign Posting Deadline:	N/A

**Applicant/Address:**  
Contee Estate, LLC an Assisted Living Home  
Maude-Marie Abayomi-Cole  
7111 Veronica Lane  
Laurel, MD 20707

**Staff Reviewer:** Ras Tafari Cannady II, AICP  
**Phone Number:** 301-952-3411  
**Email:** Ras.Cannady@ppd.mncppc.org

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT:**

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

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

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

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

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

Alternative Compliance from Section 4.7 of the Landscape Manual.

RECOMMENDATION: **APPROVAL with conditions**

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**NOTE:**

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

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

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**FINDINGS:**

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

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

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

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

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

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

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

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

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

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

**(a) A Special Exception may be approved if:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As stated in the applicant's SOJ,

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

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

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

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

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

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

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

**Specific Special Exception Requirements:**

**Section 27-344. - Congregate living facility.**

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

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

As described within the applicant’s SOJ,

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

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

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

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

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

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

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

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



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

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

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

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

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

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

**Section 4.7, Buffering Incompatible Uses**

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

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

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

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

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

**Justification of Recommendation**

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

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

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

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

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

## RECOMMENDATION

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

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

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

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

ITEM: 4D

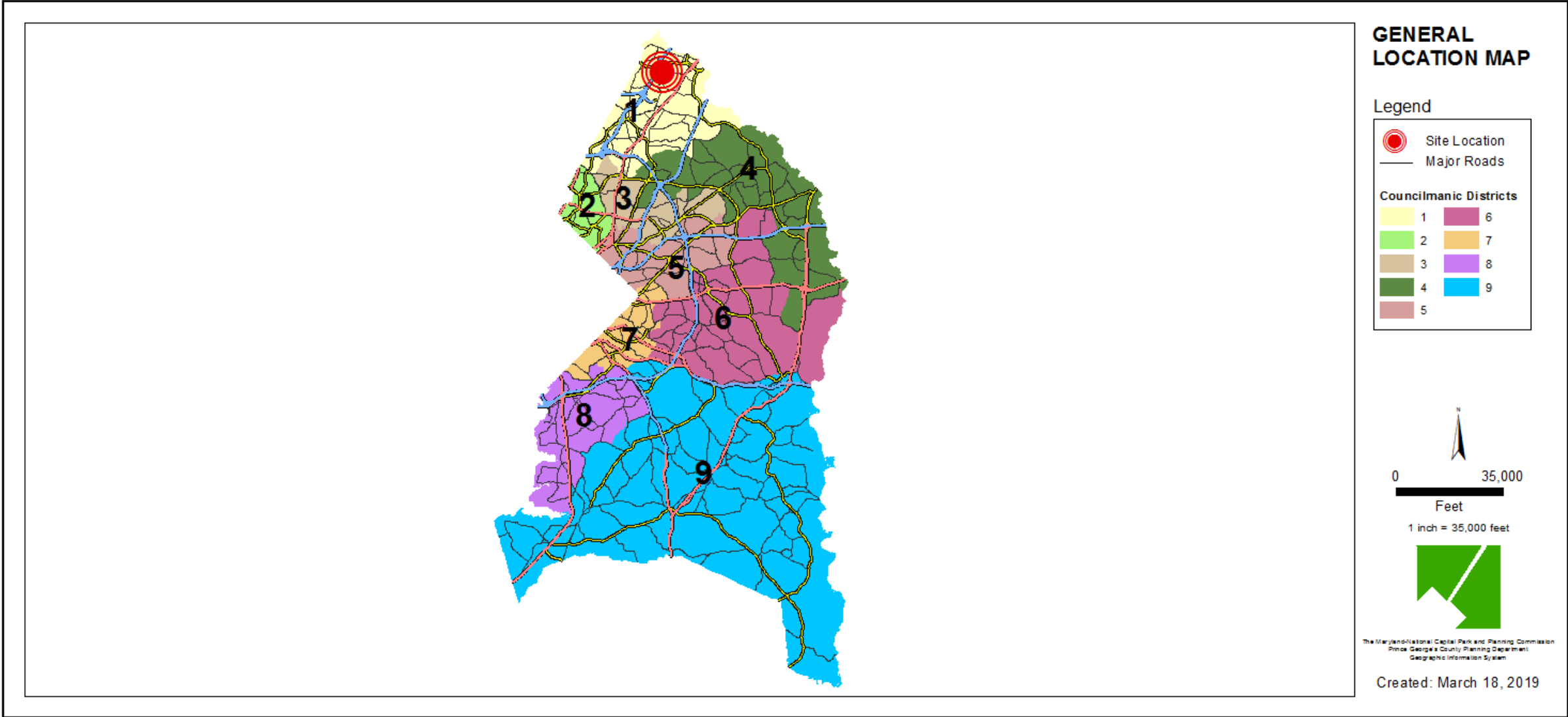
CASE: SE-4811

# CONTEE ESTATE, LLC AN ASSISTED LIVING HOME

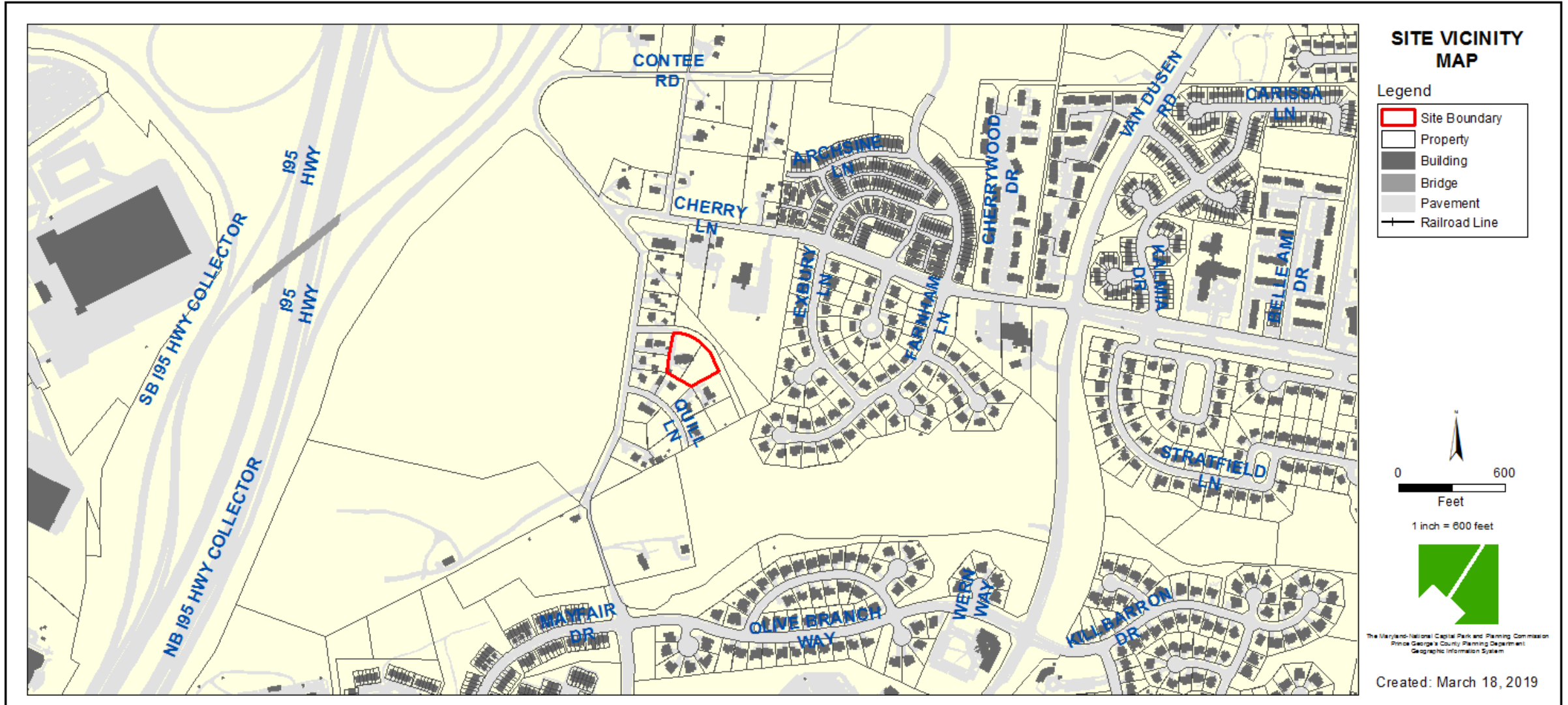
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



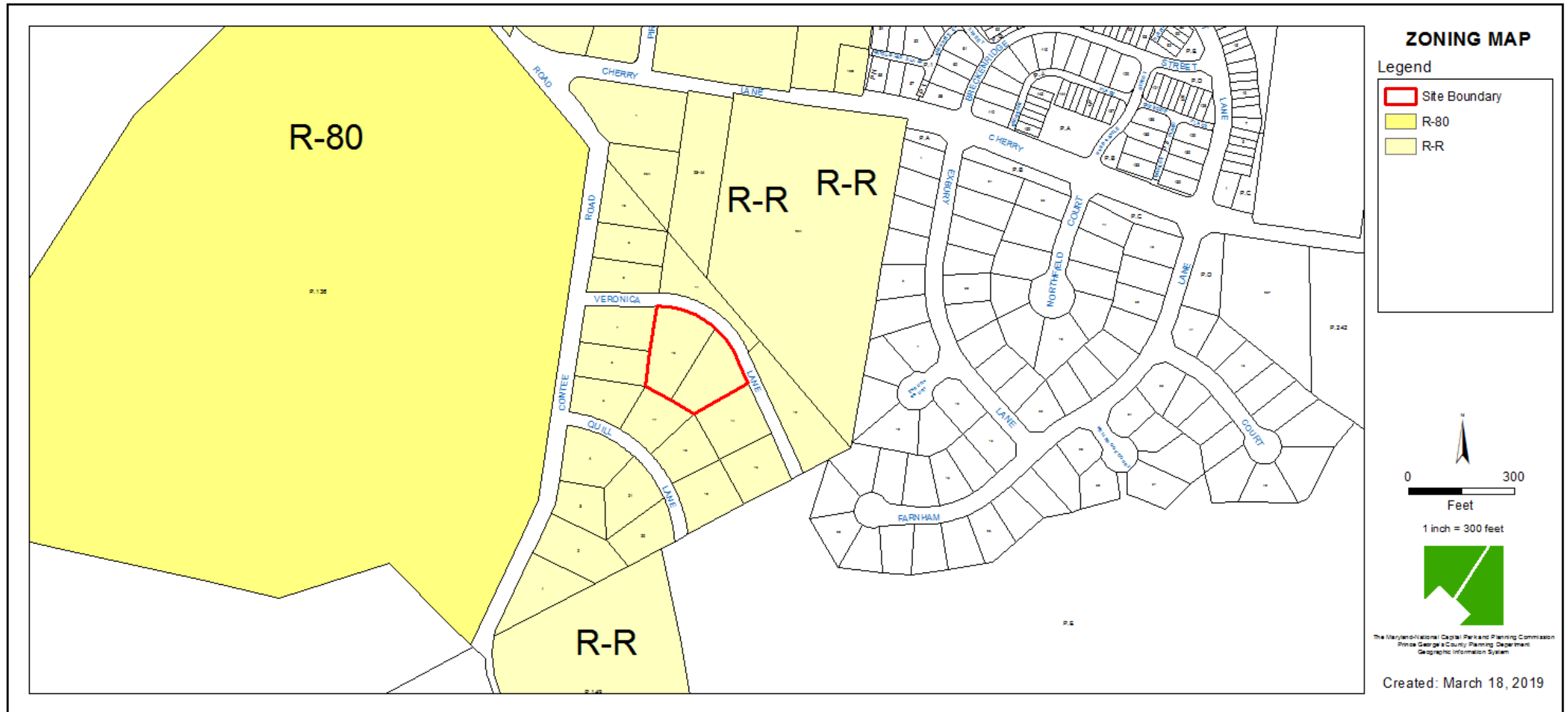
# GENERAL LOCATION MAP



# SITE VICINITY

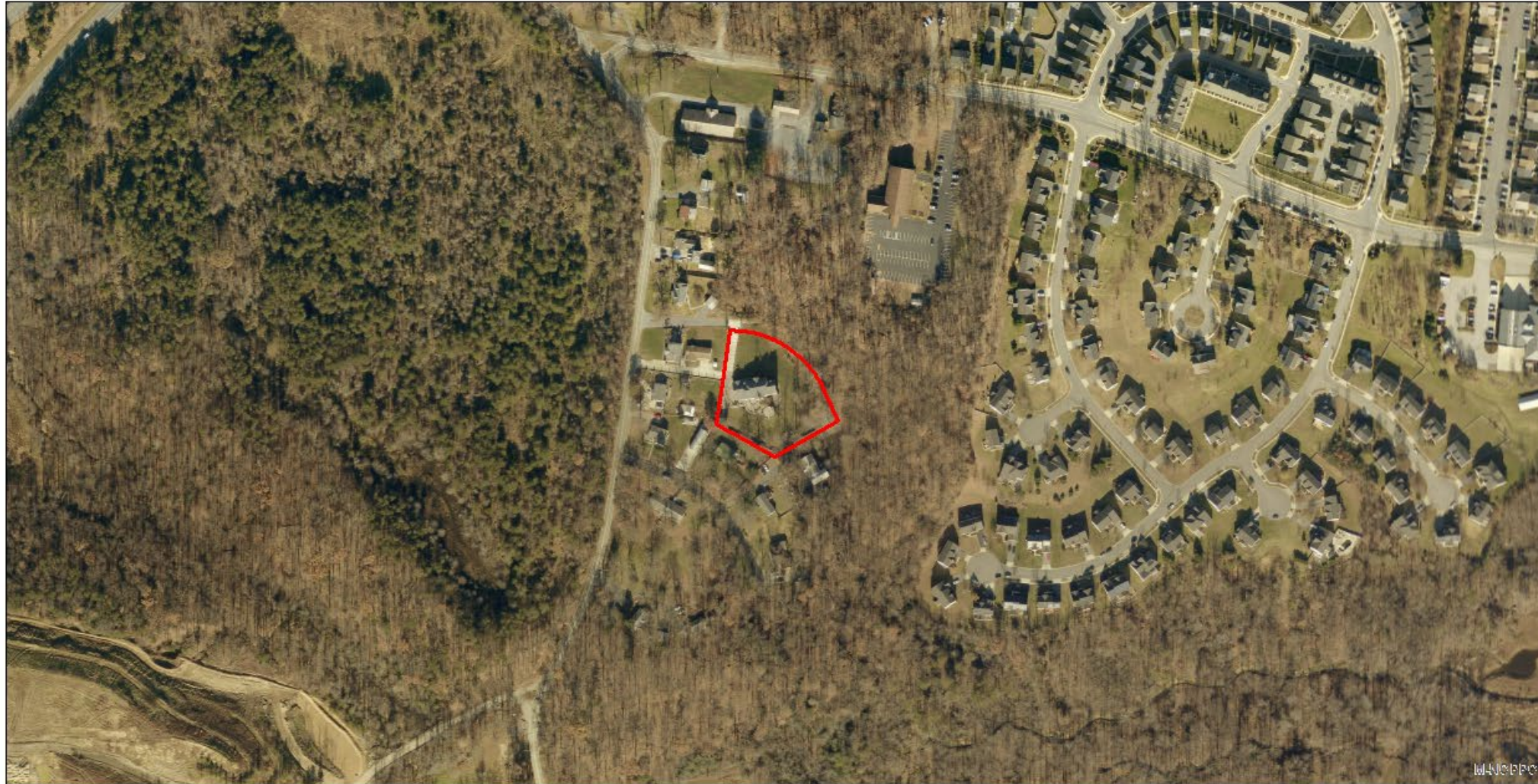


# ZONING MAP







# AERIAL MAP

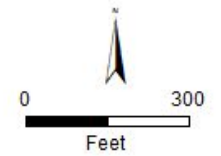


## AERIAL MAP

### Legend

-  Site Boundary
-  Property

IMAGERY FROM  
DECEMBER 2018

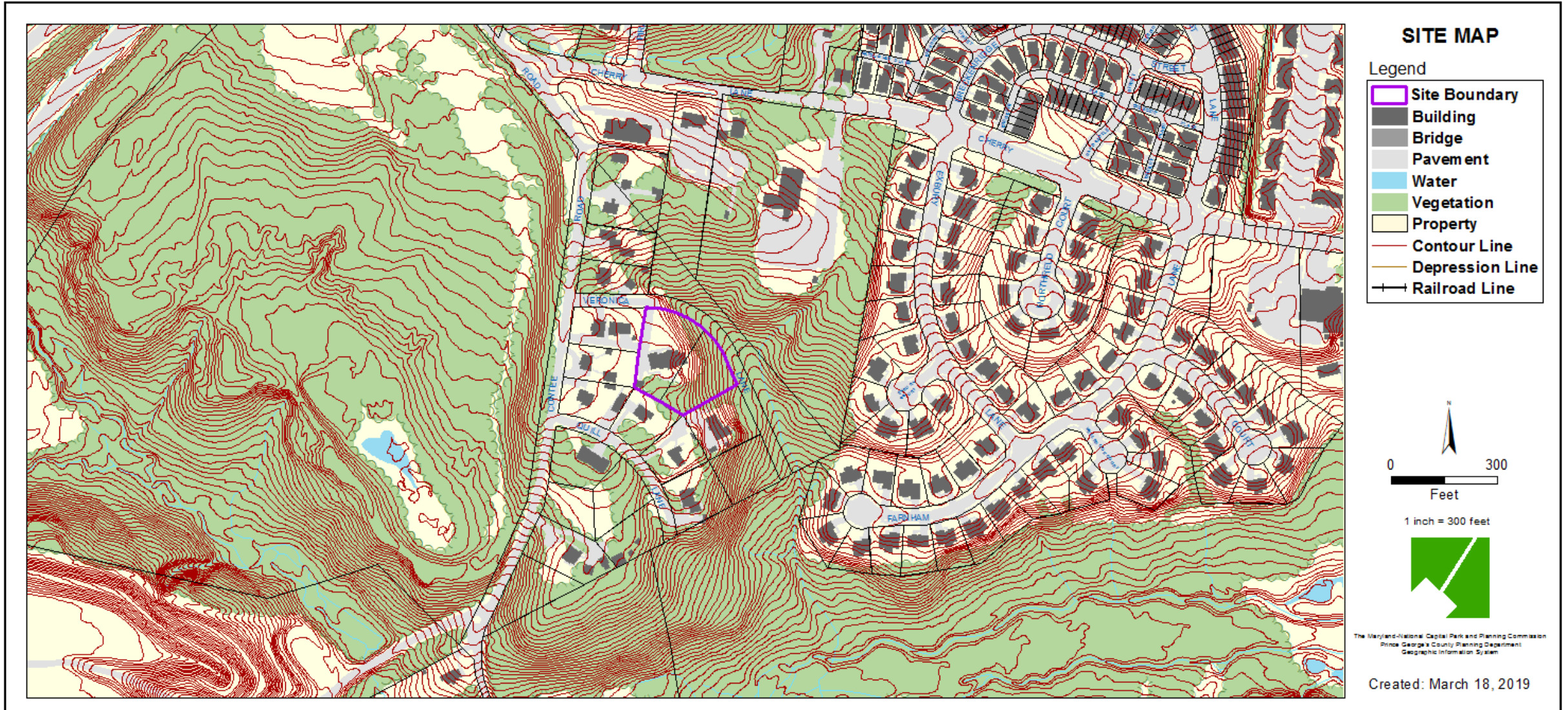


The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
Geographic Information System

Created: March 18, 2019

MNCP&C

# SITE MAP



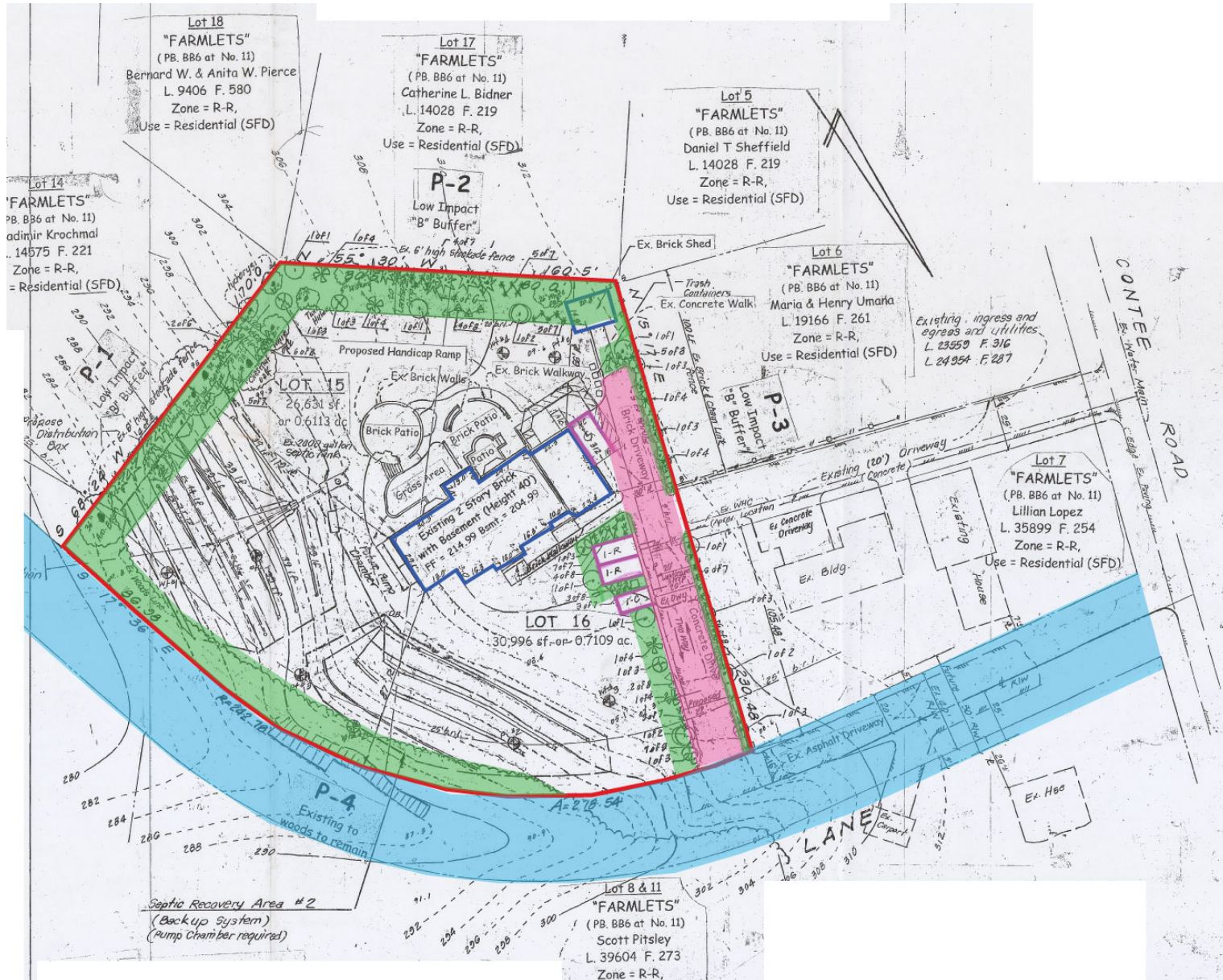
# MASTER PLAN RIGHT-OF-WAY MAP



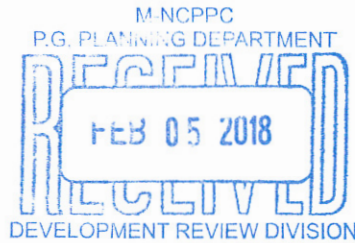
# BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



# SITE & LANDSCAPE PLAN







**IN RE:**

**Special Exception for Congregate Living Facility for the Elderly or Physically Handicapped**

**APPLICANT:**

**Contee Estate, LLC, an Assisted Living Home**

**PROPERTY:**

**7111 Veronica Lane  
Laurel, MD 20707**

**AGENT/CORRESPONDENT:**

**Law Office of Traci R. Scudder, LLC  
137 National Plaza, Suite 300  
National Harbor, Maryland 20745**

**STATEMENT OF JUSTIFICATION FOR SPECIAL EXCEPTION**  
**(SE-4811)**

This application is to request a Special Exception for a congregate living facility with up to fifteen (15) elderly and/or physically handicapped residents. The Applicant in this matter, Contee Estate, LLC, is an entity owned and managed by Ms. Maude-Marie Abayomi-Cole. Ms. Abayomi-Cole is the owner of property located at 7111 Veronica Lane, Laurel, Maryland 20707, which is the subject of this application. The subject property is situated in a residential community, and is located in the R-R Zone. The property consists of approximately 1.32 acres and is currently improved with a large two-story brick and frame residence, with a gross floor area of 6,488 square feet.

The subject property is located south of Sandy Spring Road (198), and just south Cherry Lane; it is east of Interstate 95, west of Baltimore Avenue (Route 1), and northwest of Van Dusen Road. The neighborhood immediately surrounding the subject property is residential in character and predominately developed with a mix of single-family detached dwellings. The applicable master plan for the property is the Approved Subregion 1 Master Plan and Sectional

Map Amendment (“Master Plan,” approved in June 2010. The Master Plan Map designates the subject property for “Residential, Low Density” land use.

Pursuant to the Use Table in Section 27-441(b) of the Prince George’s County Zoning Ordinance, a congregate living facility for elderly and/or physically handicapped, limited to up to eight (8) residents, is permitted by right in the R-R (Residential-Rural) Zone. More than eight residents, however, requires Special Exception approval. As stated above, the applicant seeks approval of a Special Exception for up to 15 elderly residents. The requested use will not require an addition or expansion to the existing house, nor is the Applicant proposing to expand the house, and therefore, will operate under the existing building footprint.

The proposed facility will provide a supportive environment of care to elderly and physically handicapped 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.

The proposed number of residents at the congregate adult 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. The Applicant will provide 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)

Further, it should be noted that one of the co-owners is a nurse practitioner, who realizes the urgent and unmet need for assisted living facilities in Prince George’s County due to her years of service in the healthcare profession. Approval of the requested Special Exception would permit the Applicant to serve 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 shall comply 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;**

***RESPONSE:** The facility shall be in compliance with these standards. The facility contains 10 bedrooms, ranging in size from 175 square feet to 321 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 10 double rooms in the existing space, which supports a total of 15 residents.*

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.**

The proposed Use and Site Plan are in Harmony with the Purposes of this Subtitle (Section 27-317(a)(1)).

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(a). Sections 27-102 of The Prince George's County Code provides as follows:

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:** This use will in no 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, along with several other homes. Approval of the subject application will help meet the needs of the County's expanding senior population in the context of a small-scaled institutional use that maintains the residential character and scale of the adjoining dwelling and the surrounding neighborhood.*

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

***RESPONSE:** The Approved Subregion I Master Plan and Sectional Map Amendment (SMA) for the subject property recommends a residential low-density land use for the subject property. Because the subject site is a small-scale, residential-character use located in a suburban, principally residential neighborhood characterized by a mixture of institutional land uses, this proposal would be in conformance with the vision of the Master Plan.*

- (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. Because this Application proposes a modest congregate living facility with a maximum of 15 residents, approval of it would promote the conservation of an existing community and would not contribute to further strain on the existing 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:** Approval of the subject application would recognize the needs of the County's residents by permitting this modest, low-impact use at a developed site, and so would abet the order of the growth and development of the County, making the subject application in harmony with this Purpose.*

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

***RESPONSE:** The subject congregate living facility is in harmony with this Purpose as it has been developed in conformance with the various regulations in the Zoning Ordinance to ensure the provision of adequate light, air and privacy, both for the occupants of the home and for its neighbors. These principles include the provision of sufficient setback distance between the proposed use and neighboring uses, and conformance with height limitations in order to allow for access to light and air.*

*The Applicant will provide a private setting for the elderly and physically handicapped 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. 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 elderly and are quiet and do not create a disturbance in any way whatsoever. The Applicant's home looks similar to 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. The subject property has been developed in accordance with the various principles that have been codified in the Zoning Ordinance to promote the beneficial relationships between land and buildings, including conformance with the tables of permitted uses for the various zones as set forth in the Ordinance. Further, 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. It is not anticipated that the Applicant's proposal will have an adverse impact on future development of adjoining properties.*

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

***RESPONSE:** The subject facility is in harmony with this Purpose as it has been developed in conformance with regulations established by the Zoning Ordinance as well as other County regulations, which are intended to protect from fire, flood, panic and other dangers. Additionally, the subject site conforms with floodplain regulations, stormwater management regulations, the fire prevention code, and building code.*

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

*RESPONSE: The facility will provide a sound, sanitary, suitable and healthy living environment for all of its elderly residents and will operate within the economic reach of all County residents who are need of congregate living services.*

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

*RESPONSE: The congregate living facility is in harmony with this Purpose as it will provide desirable employment by a business that is principally for the benefit of residents of Prince George's County. This business will contribute to a broad, protected tax base, both directly and through property taxes and the employment provided.*

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

*RESPONSE: The subject property has been developed in conformance with the Zoning Ordinance to ensure the prevention of overcrowding, including the provisions of the Table of Uses that provides for the compatibility of uses in the same zoning district, and regulations which restrict the amount of land that can be occupied by buildings and vehicular circulation areas. Since the proposed use is to be located within an existing home, it will be in harmony with this Purpose.*

- (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: By providing families with a clean, safe, loving and affordable environment to place their elderly family members for care and support, the proposed use helps to further the goal of social and economic stability in the County. Further, the subject facility would insure the economic and social stability of the County by contributing to the tax base, providing a needed service to the surrounding community, and by virtue of its location in the midst of compatible uses.*

- (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:** The subject site for the proposed congregate living facility has already been developed, and thus, approval of this Application will have minimal additional impacts to the natural features. Further, the use will not generate noise or air pollution, and will be in compliance with the County's Woodland Conservation policies in that it will conform to an approved Tree Conservation Plan. No steep slopes or scenic vistas will be affected.*

- (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 directly applicable to the proposed congregate living facility, except that approval of this use in an existing, developed location will lessen in a small way the pressure for sprawling development unto undeveloped or agricultural lands that form a great part of the scenic beauty of the County.*

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

***RESPONSE:** This purpose is not directly applicable to the proposed congregate living facility, except that approval of this use in an existing, developed location will lessen in a small way the pressure for sprawling development unto undeveloped or agricultural lands that form a great part of the scenic beauty of the County.*

Discussion of the other general criteria for approval of a Special Exception as set forth under Section 27-317(a) of the Zoning Ordinance continues as follows:

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

***RESPONSE:** With the granting of the requested Special Exception, the proposed 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 (Section 27-317(a)(3)).**

***RESPONSE:** The Applicant's proposal 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 proposed congregate adult living facility will be a compatible use in the community. The staff at the facility will be trained to care for elderly residents. A number of safety practices will be implemented to not only keep the elderly residents safe, but also to protect the residents or workers in the area.*

*Further, the subject Application complies with the purposes and provisions of the Zoning Ordinance, as well as the other State and County regulations for environmental protection and building construction which represent a high level of protection against adverse effects to the public health, safety and welfare.*

*Further, the traffic generated by this use is limited to visitors to the residents, as well as limited deliveries of food and laundry comparable in scale and frequency to that of a large family. Given the modest scale of operations and the character of the driveway and parking facilities, the needs of the facility can be met without adverse effect on the health, safety and welfare of the residents in the area.*

*As the residents of the facility are principally limited to the indoors, the subject use will not generate noise or activity other than the limited service activity described above, and as such will not have adverse effect on the health, safety and welfare of the residents in the area.*

**(5) The Proposed Use Will Not Be Detrimental To The Use or Development of Adjacent Properties or The General Neighborhood (Section 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 use can be accommodated on the site with little change to its existing character and will not be detrimental to the use of adjacent properties or the general neighborhood. The character of the facility is the same character as the surrounding dwellings, and the physical activities at and around the facility are comparable in scale and character to those associated with single-family dwellings. As such, the activity at the site will not be detrimental to the use or development of adjacent properties in the general neighborhood. The amount of traffic generated by the use is negligible.*

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

***RESPONSE:** This property is exempt from the Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland and there is no previously 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 (Section 27-317 (a)(7)).**

***RESPONSE:** The Applicant is not proposing any disturbance to the regulated environmental features. The site is exempt from the Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland and there is no previously approved Tree Conservation Plan.*

In addition to the general purposes of the Zoning Ordinance, there are also Purposes specifically for the R-R (Residential-Rural) Zone. The four specific purposes of the R-R Zone are set forth in Section 27-428(a)(1), as follows:

- (A) To provide for and encourage variation in size, shape, and width of one-family detached residential subdivision lots, in order to better utilize the natural terrain;
- (B) To facilitate the planning of one-family residential developments with moderately large lots and dwellings of various sizes and styles.

***RESPONSE:** Because this proposal is for a compatible quasi-residential use on an already-subdivided and developed site, these two Purposes are not directly relevant to the subject application, but the subject application will not impair the application of these Purposes in the surrounding neighborhood.*

- (C) To encourage the preservation of trees and open spaces;

***RESPONSE:** The subject property will be in conformance with an approved Tree Conservation Plan, and thus, approval of the subject Application would be in conformance with this purpose; and*

- (D) To prevent soil erosion and stream valley flooding.

***RESPONSE:** Because site is already developed and there will be no land disturbance, the subject Application will be in conformance with this Purpose.*

**CONCLUSION**

The Applicant submits that because of the residential scale and character of the proposed facility and the moderate scale of the operation, approval of the proposed congregate living facility would entail no greater impact on the public health, safety and welfare than those

inherently associated with congregate living facilities, irrespective of their location in the R-R Zone. The proposed facility also 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



## Table of Contents of Part 3.

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## Age-Qualified Housing in Prince George's County and the DC Metro Area

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This section includes information about age-qualified, service-enriched housing in Prince George's County and the DC metro area. Service-enriched housing is housing that includes services in the monthly fee. The unit is the apartment or room in the building for independent living, assisted living and dementia care. In nursing care facilities, the unit is a bed. Beds are also used to enumerate capacity in assisted living and Alzheimer's care residences. In this report, the unit counted is the number of rooms or apartments in the physical plant, because that is a more concrete number. The number of beds may change from day to day, but the number of apartments remains constant.

The charts on the following pages show the number of units of professional service-enriched housing and the penetration rate of each type of service level per 65+ population.

**Professional.** The designation of professional includes those properties that have either 25 or more units or beds. This designation is used to separate the small properties where services are often provided in the homes of individuals and that are often staffed by family members from properties that are larger and that are often owned and/or operated by a corporation. The properties that are omitted when only considering professional are primarily the small assisted living residences that typically have from 4 to 15 beds.

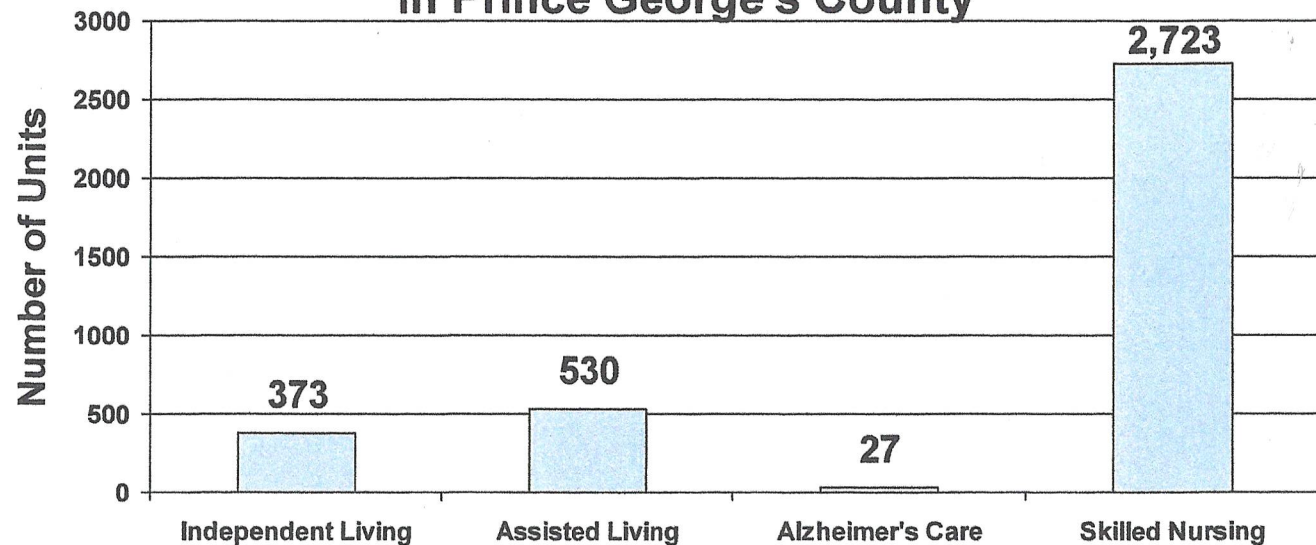
Age-qualified, service-enriched housing does not include Senior Apartments, and subsidized housing. Neither of these forms of housing typically include services in the monthly fee. In 2005, there were 32 private market senior residences, (senior apartments: a total 3,525 units, located in the county, Prince George's County 2006-2010 Consolidated Plan). Prince George's County has 520 units in seven publicly owned low-income senior housing facilities.

## Total Number of Age-Qualified Units in Prince George's County, Maryland

The total number of age-qualified service-enriched units (beds) in Prince George's County include 373 independent living, 530 assisted living, 27 Alzheimer's care, and 2,723 nursing care units.

These figures only include properties with 25 or more units or beds.

Number of All Age-Qualified Service-Enriched Housing Units in Properties with 25+ Units in Prince George's County



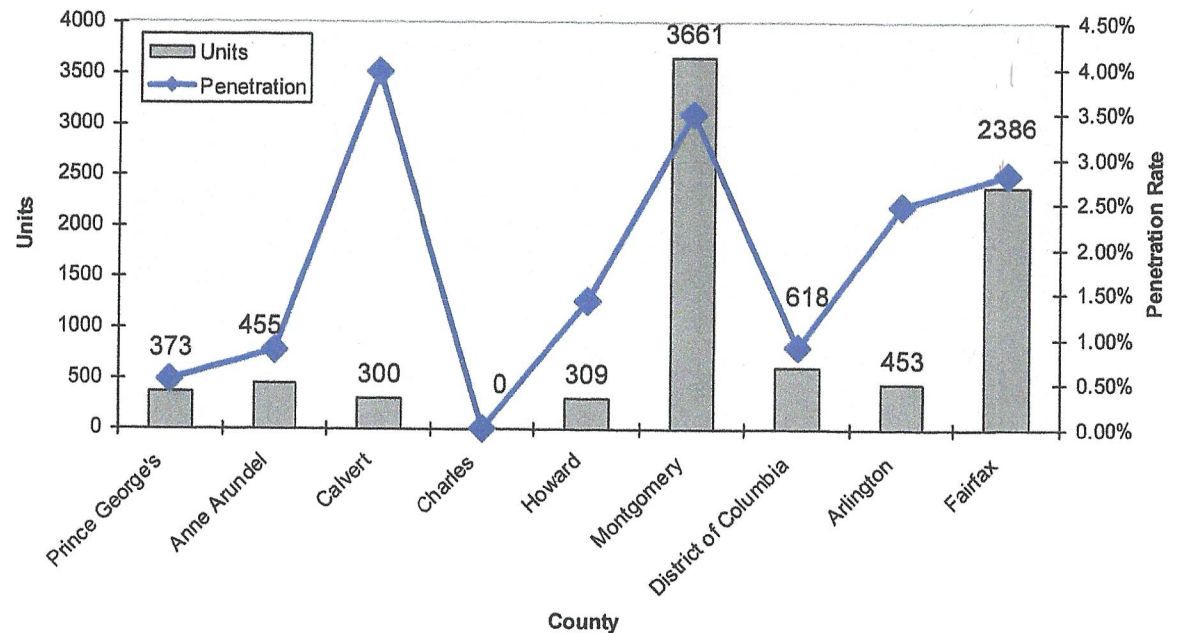
## Number and Penetration of Independent Living Units

Prince George's County has 373 independent living units in market rate, professional independent living communities. Professional is defined as communities with more than 25 units and which are likely to be managed by a corporate entity.

Prince George's County has a penetration rate of 0.55 percent. The average penetration rate in the metropolitan areas in the U.S. is 1.35 percent. Three other counties in the DC metro area have penetration rates lower than the average penetration rate seen in the 30 largest metropolitan areas in the U.S.

Prince George's County has two properties that offer independent living: Collington Episcopal Life Care Community and Rexford Place.

Number of Units of Independent Living and Penetration Rate/65+ Population



**Penetration Rate.** The Penetration Rate is the proportion of units of age-qualified housing to the 65+ population. The Penetration Rate allows comparison between areas.

## Number and Penetration of Assisted Living Units

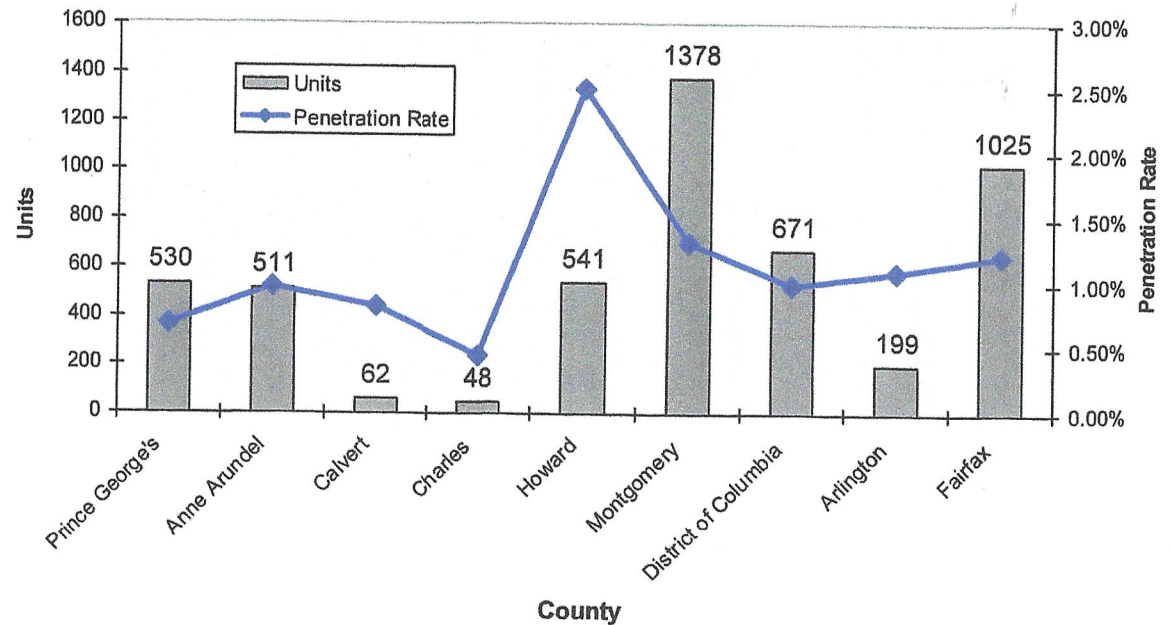
Prince George's County has approximately 530 assisted living apartments that are in professional assisted living residences (residences with 25 more apartments or beds).

Prince George's County has a penetration rate of 0.76 percent. The average penetration rate in the metropolitan areas in the U.S. is 1.06 percent.

The assisted living residences include:

- Collington Episcopal Life Care Community
- Crescent Cities Center
- Heartfields at Bowie
- Hillhaven Nursing Center
- Independence Court Of Hyattsville
- Malta House
- Morningside House Of Laurel
- Paint Branch Home
- Rexford Place
- Summerville at Woodward Estate.

Number of Units of Assisted Living and Penetration Rate per 65+ Population



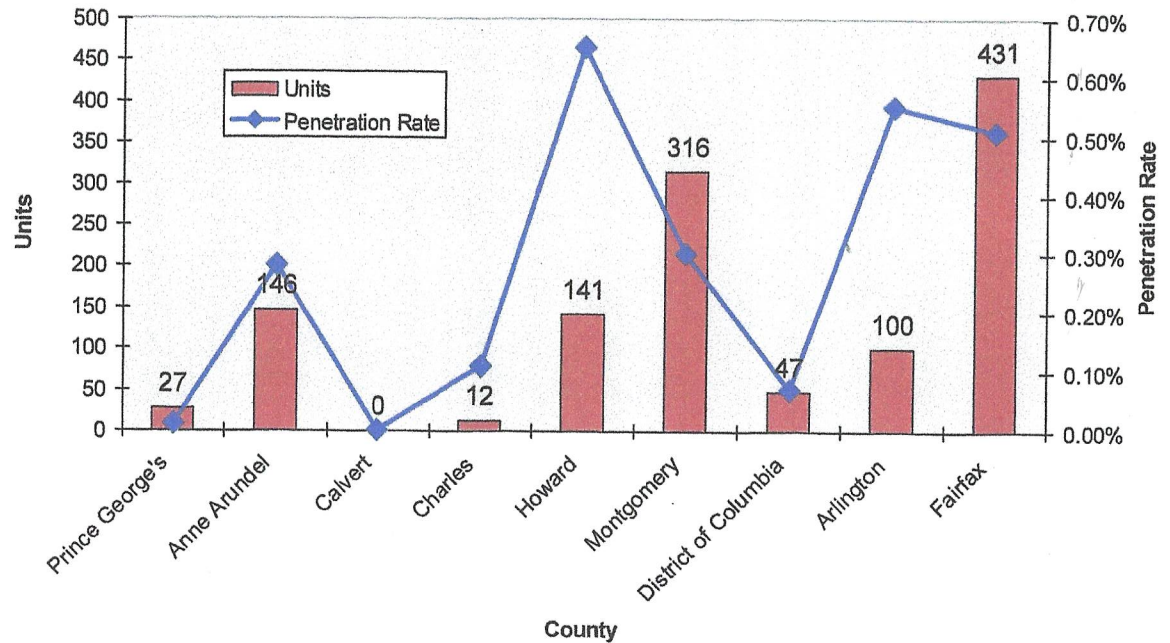
## Number and Penetration of Alzheimer's Care Units

Prince George's County has approximately 27 Alzheimer's care apartments that are in professional Alzheimer's Care residences (residences with 25 more apartments or beds).

Prince George's County has a penetration rate of 0.04 percent. The average penetration rate in the metropolitan areas in the U.S. is 0.19 percent.

The Alzheimer's Care residences include: Collington Episcopal Life Care Community, and Rexford Place.

Number of Units of Alzheimer's Care and Penetration Rate per 65+ Population



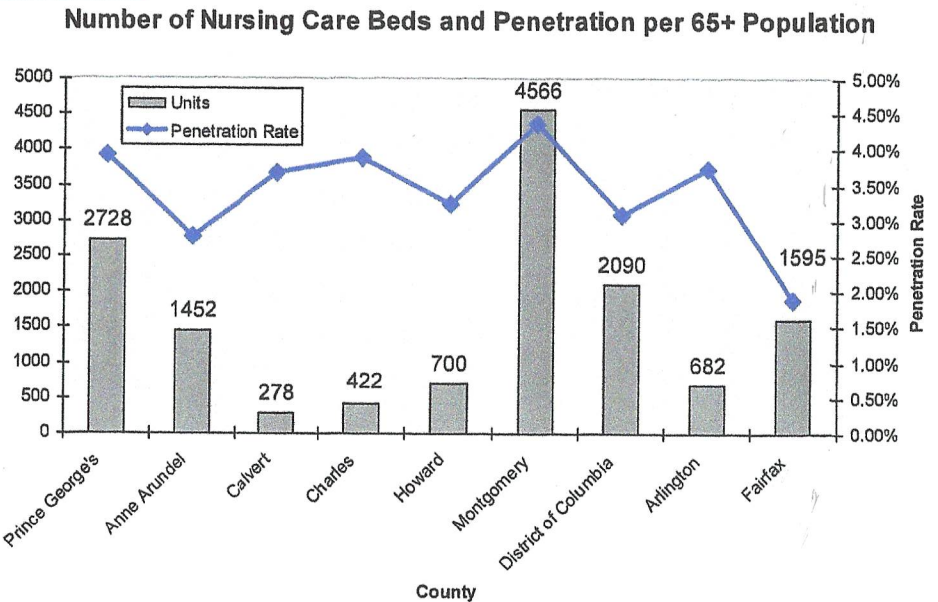
# Number and Penetration of Nursing Care Units

Prince George's County has approximately 2,728 nursing care beds that are in professional nursing care centers. By professional, we mean they are in residences with 25 more apartments or beds.

Prince George's County has a penetration rate of 3.91 percent. The average penetration rate in the metropolitan areas in the U.S. is 3.73 percent.

The Nursing Care Properties include:

Bradford Oaks Nursing & Rehabilitation Center  
 Cherry Lane  
 Clinton Nursing & Rehab  
 Collington Episcopal Life Care Community  
 Crescent Cities Center  
 Forestville Health and Rehab Center  
 Fort Washington Health and Rehabilitation Center  
 Future Care Pineview  
 Gladys Spellman Specialty Hospital



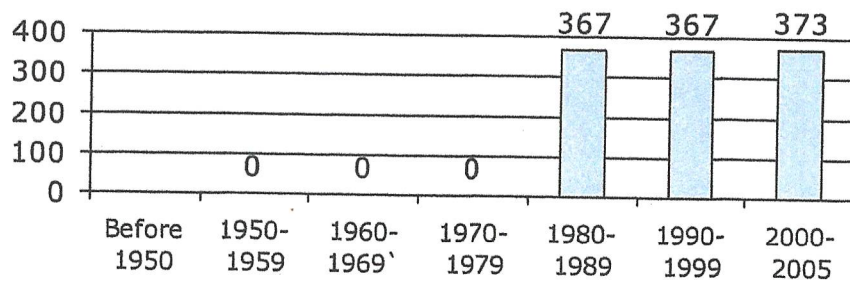
Harborside Healthcare - Larkin Chase Heartland Health  
 Care Center of Adelphi  
 Heartland Health Care Center of Hyattsville  
 Hillhaven Nursing Center  
 Magnolia Center  
 Manor Care Health Services - Largo  
 Mariner Health Greater Laurel  
 Sacred Heart Home Inc.  
 St. Thomas Moore Nursing and Rehabilitation Center  
 Villa Rosa Nursing Home

## Part 3. Age-Qualified Service-Enriched Housing

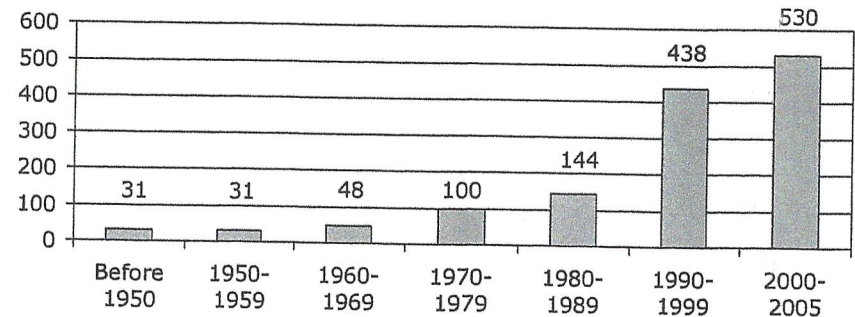
# Growth of Age-Qualified Service Enriched Housing Properties in Prince George's County (25+ Units)

The number of units (or beds) of each type of age-qualified, service-enriched housing present in Prince George's County during each decade since 1950 is shown in these charts. The majority of the housing has been built since 1980.

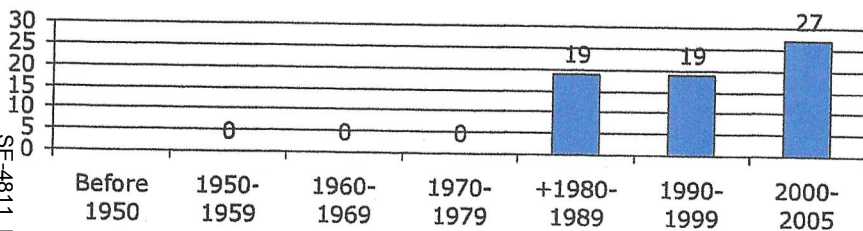
### Growth of Independent Living Units



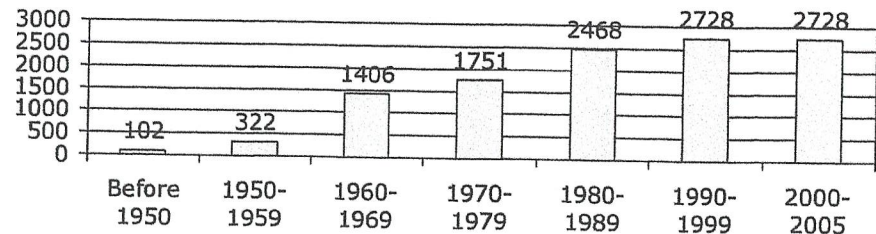
### Growth of Assisted Living Units



### Growth of Alzheimer's Care Units



### Growth of Nursing Care Beds





# Farmlets 2017



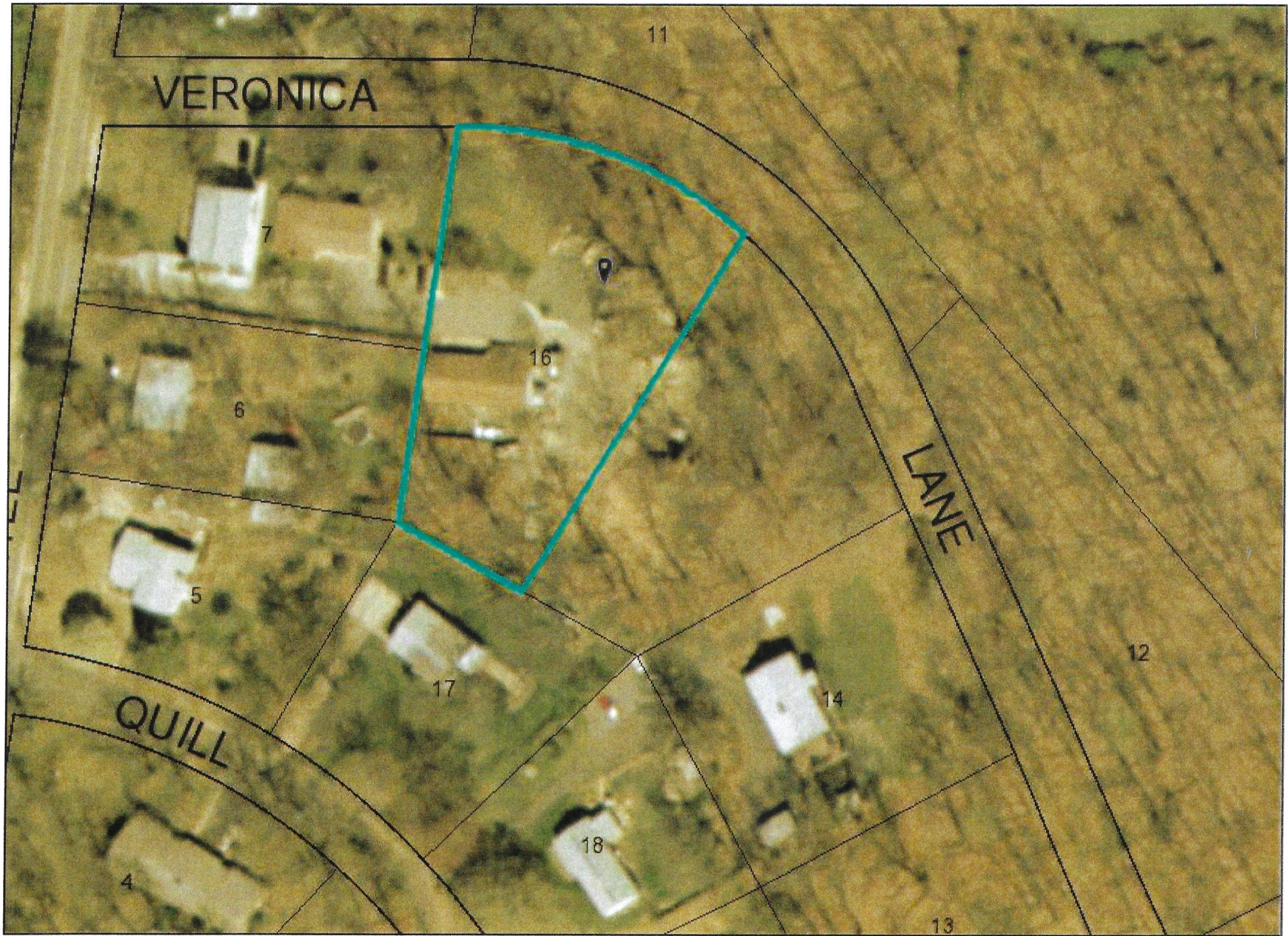
# Farmlets 2007



# Farmlets 2006



# Farmlets 2000

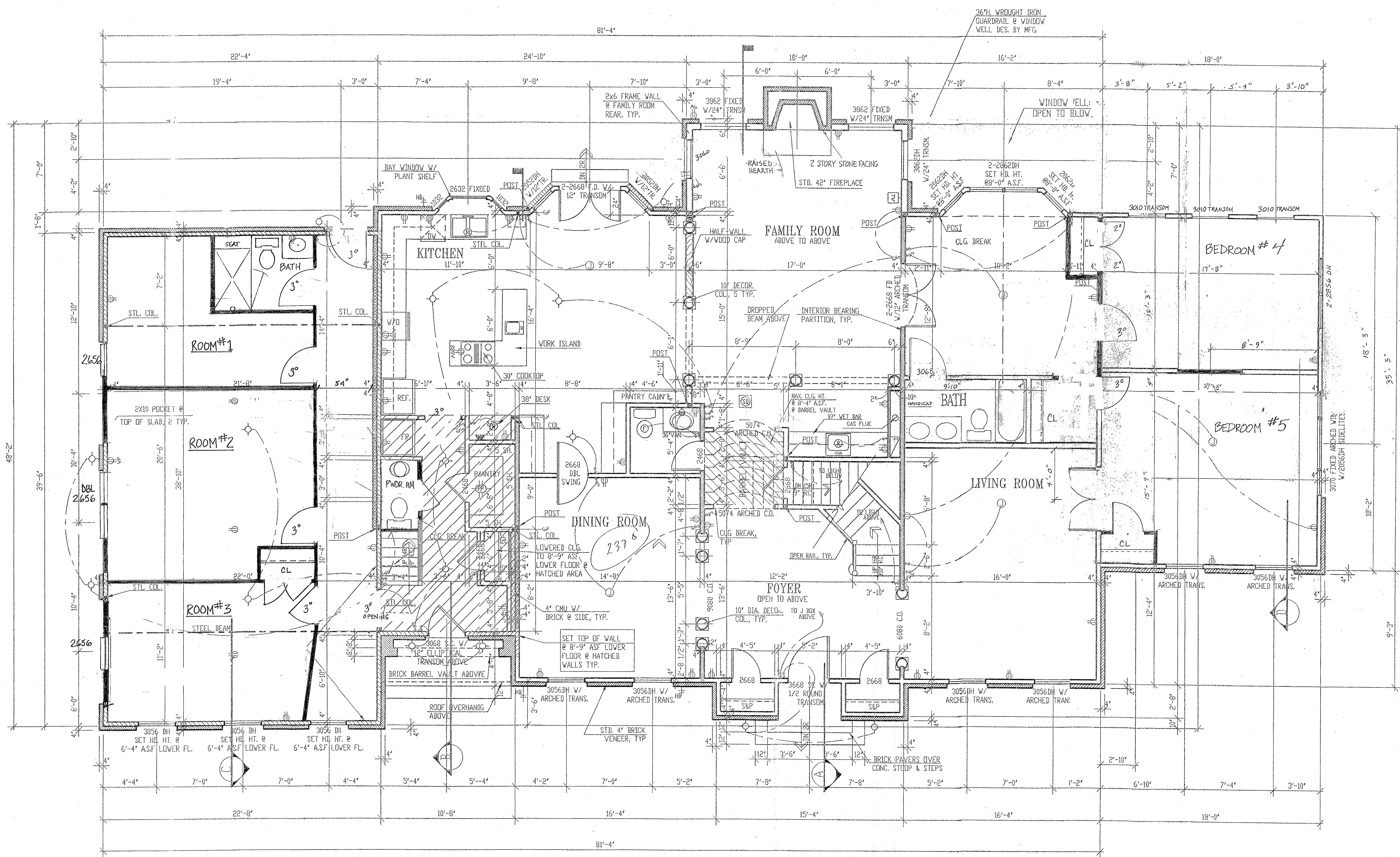


# Farmlets 1984



# Farmlets 1965

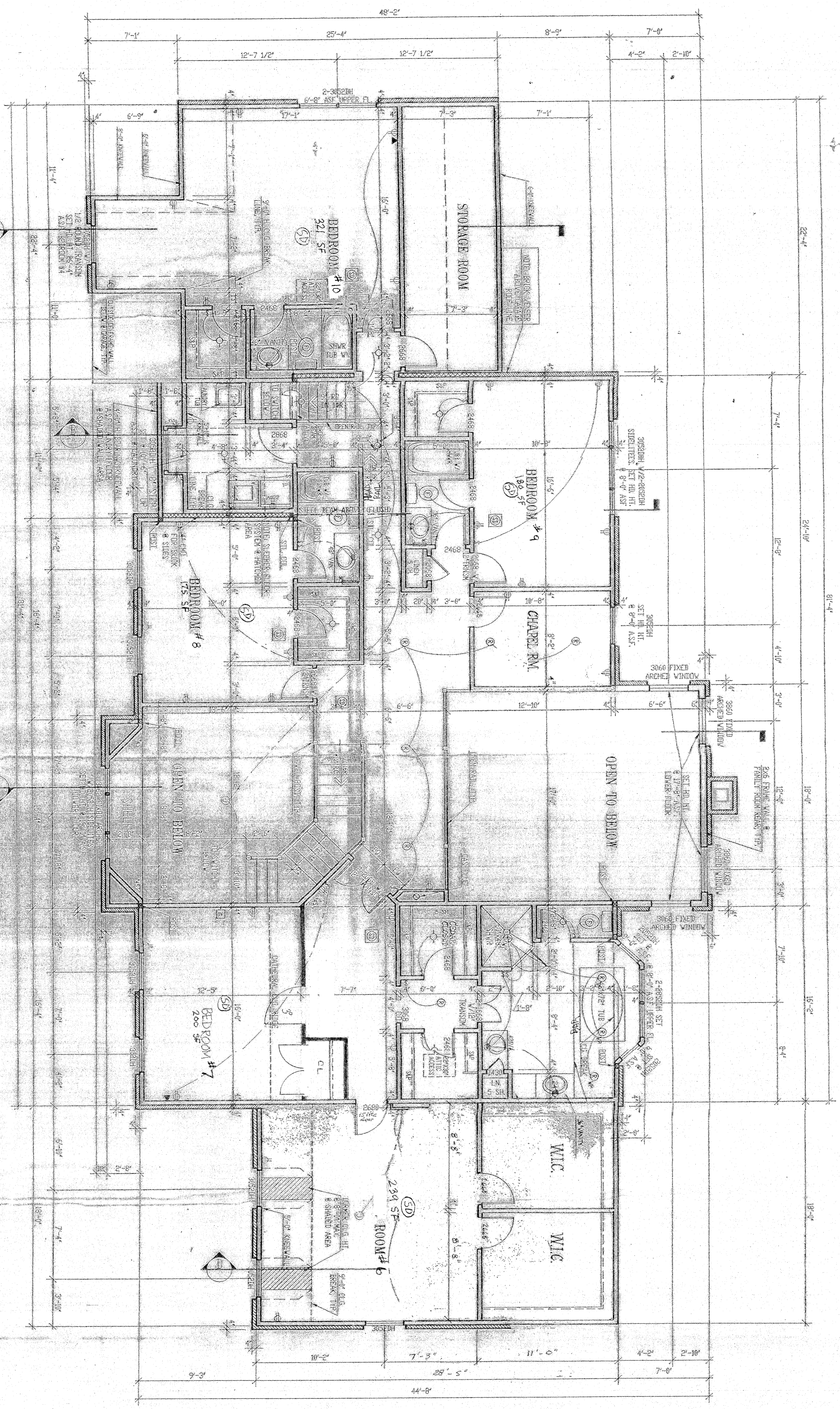




LOWER FLOOR PLAN

UNLESS OTHERWISE NOTED WINDOW HEAD HEIGHT SHALL BE 6'-8" ABOVE SUBFLOOR

1/4" = 1'-0"



UPPER FLOOR PLAN 9'0" CEILING

UNLESS OTHERWISE NOTED WINDOW HEAD/HEIGHT SHALL BE 6'6" / 6'9" RESPECTIVELY

1/4" = 1'-0"

BERKSHIRE

9304



23559 319

SCHEDULE "A"

DESCRIPTION OF A RIGHT OF WAY FOR A  
INGRESS/EGRESS AND UTILITIES EASEMENT

BY

JOSE M. AND TAMMY L. CUNHA  
(OWNER OF LOT 7)

TO

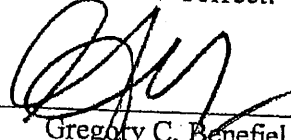
JOSE M. AND TAMMY L. CUNHA  
(OWNERS OF LOT 15 AND LOT 16)

Being a strip or parcel of land hereinafter described in, through, over and across the property acquired by JOSE M. AND TAMMY L. CUNHA, by deed dated Oct.,30<sup>th</sup>, 1997 in Liber 11773 at Folio 92; said strip or parcel of land also running in, through, over and across Lot 7, as shown on a subdivision entitled "CHARLES D.A. ROBEY'S FARMLETS" and recorded in Plat Book BB-6 at Plat 11, situated in Laurel (10<sup>th</sup>) Election District of Prince Georges County, State of Maryland and being more particularly described as follows:

Said strip or parcel of land containing 4,996 square feet or 0.1147 acres of land as shown on Schedule "B" attached hereto and made part hereto by this reference.



Certified Correct:

  
Gregory C. Benefiel  
Registered Professional  
Land Surveyor, Md. # 10994

rec'd 01-17-06

23559 316

AGREEMENT

CLERK OF THE CIRCUIT COURT  
05 NOV 28 PM 1:12

This Agreement made this \_\_\_\_\_ day of November, 20\_\_\_\_, by and between JOSE M. CUNHA AND TAMMY L. CUNHA, HIS WIFE, hereinafter referred to as CUNHA and LEGEND BUILDERS, INC. hereinafter referred to as LEGEND BUILDERS.

WITNESSETH:

WHEREAS, CUNHA is the owner of a piece of property located on CONTEE ROAD, Laurel, Maryland; and

WHEREAS, MILLER wishes to give a Perpetual Easement for the use of part of the property unto

WHEREAS, A location survey done by SURVEYS, INC. dated November 15, 2005, a copy of which is attached hereto, shows the Ingress and Egress and Utilities Easement.

WHEREAS, the parties wish to establish a Perpetual Easement for the right to use said property.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

RECORDING FEE  
\$8.00  
\$6.00  
\$14.00  
RECORDING FEE  
\$8.00  
\$6.00  
\$14.00

(1) CUNHA, his heirs and assigns, hereby grant and convey to LEGEND BUILDERS, INC., or its assigns, the perpetual right to use the EASEMENT as indicated on the Survey of SURVEYS, INC. Dated November 15, 2005, which is attached hereto. depicted by the attached survey, for its intended use.

(2) LEGEND BUILDERS, INC. shall solely be responsible for maintaining said property.

(3) This right to use the property shall be binding on the parties, their respective successors or assigns, and shall run with the land.

23559 317

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year heretofore set forth.

Jose M Cunha  
JOSE M. CUNHA

Tammy L Cunha  
TAMMY L. CUNHA

IN TESTIMONY WHEREOF, the said LEGEND BUILDERS, INC. have on the 22<sup>nd</sup> day of November, 2005, caused these presents to be signed by Michael Collins its President; and doth hereby appoint Michael Collins its true and lawful attorney in fact to acknowledge and deliver these presents as its act and deed.

LEGEND BUILDERS, INC.

By Michael Collins  
President

State of Maryland  
County of Prince George

I hereby certify that on this 22<sup>nd</sup> day of November 2005, before me, the subscriber, a Notary Public in and for the State and County aforesaid did personally appear Michael Collins

who acknowledged himself to be the President of LEGEND BUILDERS, INC.

a body corporate, and as such President, did acknowledge that he executed the foregoing deed as President of said Corporation as its corporate act, that the foregoing deed was duly authorized by a Resolution of the Board of Directors of said Corporation; and that said conveyance is not a conveyance of all or substantially all of the assets of the said corporate grantor herein.

WITNESS My Hand and Notarial Seal.

Laura A Collins  
Notary Public, Maryland

My Comm. Expires: 11-07-2006

State of Maryland  
County of Prince George

I hereby certify that on this 22<sup>nd</sup> day of Nov, 2005, before me, the subscriber, a Notary Public in and for the said State and County, personally appeared JOSE M. CUNHA AND TAMMY L. CUNHA known to me to be the persons whose names are subscribed to the within instrument and did acknowledge that they executed the same for the purposes therein contained.

23559 318

In Testimony Whereof, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

*Lana A Collis*

\_\_\_\_\_  
Notary Public,

My Comm. Expires: 11-07-2006

Feb 07 06 03:49p

Real Property Search - Individual Report

*Current*

Click here for a plain text ADA compliant screen

	Maryland Department of Assessments and Taxation PRINCE GEORGE'S COUNTY Real Property Data Search	Go Back Clear Form New Search Search Help

Account Identifier: District - 10 Account Number - 1132760

Owner Information

Owner Name:	CUNHA, JOSE M & TAMMY L	Use:	RESIDENTIAL
Mailing Address:	7012 CONTEE RD LAUREL MD 20707-9461	Principal Residence:	NO
		Deed Reference:	1) /11773/ 92 2)

Location & Structure Information

<b>Premises Address</b> 7010 CONTEE RD LAUREL 20707	<b>Legal Description</b> LOTS 15.16 (ENTIRE IMPS RAZED FARMLETS)
-----------------------------------------------------------	---------------------------------------------------------------------------

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	A-0364
5	E3			2950				2	Plat Ref:	
<b>Special Tax Areas</b>				<b>Town Ad Valorem Tax Class</b>		21				
<b>Primary Structure Built</b>				<b>Enclosed Area</b>		<b>Property Land Area</b>		<b>County Use</b>		
0000						1.32 AC		001		
<b>Stories</b>				<b>Basement</b>		<b>Type</b>		<b>Exterior</b>		

Value Information

	Base Value	Phase-in Assessments		
		Value As Of 01/01/2005	As Of 07/01/2005	As Of 07/01/2006
Land:	56,430	61,560		
Improvements:	0	0		
<b>Total:</b>	<b>56,430</b>	<b>61,560</b>	<b>58,140</b>	<b>59,850</b>
Preferential Land:	0	0	0	0

Transfer Information

<b>Seller:</b> STEELE, LOUIS R & KATHRYN	<b>Date:</b> 11/13/1997	<b>Price:</b> \$215,000
<b>Type:</b> MULT ACCTS ARMS-LENGTH	<b>Deed1:</b> /11773/ 92	<b>Deed2:</b>
<b>Seller:</b> ZIER, WARREN B &	<b>Date:</b> 06/03/1982	<b>Price:</b> \$0
<b>Type:</b> NOT ARMS-LENGTH	<b>Deed1:</b> / 5537/ 449	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>

Exemption Information

<b>Partial Exempt Assessments</b>	<b>Class</b>	<b>07/01/2005</b>	<b>07/01/2006</b>
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO      Special Tax Recapture:  
 Exempt Class:      \* NONE \*

"/sdatcert3.resiusa.org/rp rewrite/results.asp?District=10&AccountNumber=1132760&... 2/7/2006

0

*Current*

**Push Pin Results**

**Property**

Record 1

Tax Account: 1132760

Premise Address: 007111 VERONICA LN  
LAUREL, MD 20707-0000

Legal Description: Plat: A10-0364 Block: Lot: Parcel:  
Description: LOTS 15.16 (ENTIRE IMPS RAZED 5/1/05)  
Subdivision: FARMLETS

Acreage: 1.3229 Liber: 11773 Folio: 092  
Tax Map Grid: 005E3 WSSCGrid: 219NE06  
Assessment District: 10 Planning Area: 60  
Planning Analysis Zone: 260D

Owner Information: CUNHA, JOSE M & TAMMY L  
7012 CONTEE RD  
LAUREL, MD 20707-9461

Assessor Data: Sales Price: \$215,000 Transfer Date: 19971113  
Full Cash Value - Land: \$56,430 Current Assessment: \$125,120  
Improvement Cash Value: \$68,690  
Structure (sq/ft): 0 Assessor Zone Code: 001

**Zoning**

Record Zoning Zoning 1 Zoning 2 Zoning Categories  
1 R-R [View Guide \(.pdf file\)](#)

**Special Exception**

No Features Found

**Overlay**

No Features Found

**Aviation Policy Area**

No Features Found

**Municipality**

No Features Found

**WSSC Grid**

Record Grid  
1 219NE06


**Tax Grid**

Record Map/Grid  
1 5-E3

**Planning Area**

Record Number Name

Click here for a plain text ADA compliant screen.

 <b>Maryland Department of Assessments and Taxation</b> <b>PRINCE GEORGE'S COUNTY</b> <b>Real Property Data Search</b>	<a href="#">Home</a> <a href="#">About Us</a> <a href="#">Data Search</a> <a href="#">Contact Us</a>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------

Account Identifier: District - 10 Account Number - 1132752

**Owner Information**

<b>Owner Name:</b> CUNHA,JOSE M & TAMMY L	<b>Use:</b> RESIDENTIAL
<b>Mailing Address:</b> 7012 CONTEE RD LAUREL MD 20707-9461	<b>Principal Residence:</b> YES
	<b>Deed Reference:</b> 1) /11773/ 92 2)

**Location & Structure Information**

<b>Premises Address</b> 7012 CONTEE RD LAUREL 20707	<b>Legal Description</b>  FARMLETS
-----------------------------------------------------------	------------------------------------------

Map Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	A-0364
5	E3		2950			7	2	Plat Ref:	

**Special Tax Areas** Town Ad Valorem Tax Class 08

<b>Primary Structure Built</b> 1966	<b>Enclosed Area</b> 1,260 SF	<b>Property Land Area</b> 23,040.00 SF	<b>County Use</b> 001
<b>Stories</b> SPFOY	<b>Basement</b>	<b>Type</b> SPLIT FOYER	<b>Exterior</b> FRAME

**Value Information**

	Base Value	Value As Of 01/01/2005	Phase-In Assessments As Of 07/01/2005	Phase-In Assessments As Of 07/01/2006
<b>Land:</b>	76,500	106,500		
<b>Improvements:</b>	143,890	158,220		
<b>Total:</b>	220,390	264,720	235,166	249,942
<b>Preferential Land:</b>	0	0	0	0

**Transfer Information**

<b>Seller:</b> STEELE,LOUIS R & KATHRYN	<b>Date:</b> 11/13/1997	<b>Price:</b> \$215,000
<b>Type:</b> MULT ACCTS ARMS-LENGTH	<b>Deed1:</b> /11773/ 92	<b>Deed2:</b>
<b>Seller:</b> ZIER,WARREN B &	<b>Date:</b> 06/03/1982	<b>Price:</b> \$0
<b>Type:</b> IMPROVED ARMS-LENGTH	<b>Deed1:</b> / 5537/ 449	<b>Deed2:</b>
<b>Seller:</b> UNKNOWN	<b>Date:</b> 07/10/1961	<b>Price:</b> \$0
	<b>Deed1:</b> / 2573/ 5	<b>Deed2:</b>

**Exemption Information**

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

**Tax Exempt:** NO **Special Tax Recapture:** \* NONE \*

**Exempt Class:**

[http://sdatcert3.resiusa.org/rp\\_rewrite/detail.asp?accountnumber=10+1132752&county=1...](http://sdatcert3.resiusa.org/rp_rewrite/detail.asp?accountnumber=10+1132752&county=1...) 11/14/2005

Feb 07 06 03:49p

p.1

Rec. 02/08/06

**SURVEY'S INC.  
350 MAIN STREET  
LAUREL, MD 20707**

Phone: (301)-776-0561 Fax: (301)-776-0642

+++++

**ENGINEERING + SURVEYING + LAND PLANNING**

DATE: 2.7.06

TO: M.A.C.P.I.C.  
Development Division

JOB NO. 26101-2005  
REFERENCE: "FARMERS"

ATTN: Travis O.

+++++

WE ARE SENDING :  ORIGINALS  PRINTS  CORRESPONDENCE  
 ESTIMATE  LETTER  OTHER

VIA:  MAIL  HAND  MESSENGER  FAX # 301-4932-7441

PAGES	FILE NO.	DESCRIPTION
<u>1</u>	<u>-</u>	<u>Records Flat</u>
<u>1</u>	<u>-</u>	<u>Lot 7 Assessments Ex. House</u>
<u>1</u>	<u>-</u>	<u>Current Assessments Lot 15 1995</u>
<u>1</u>	<u>-</u>	<u>House has been 2. Rezag. 2/1/05</u>

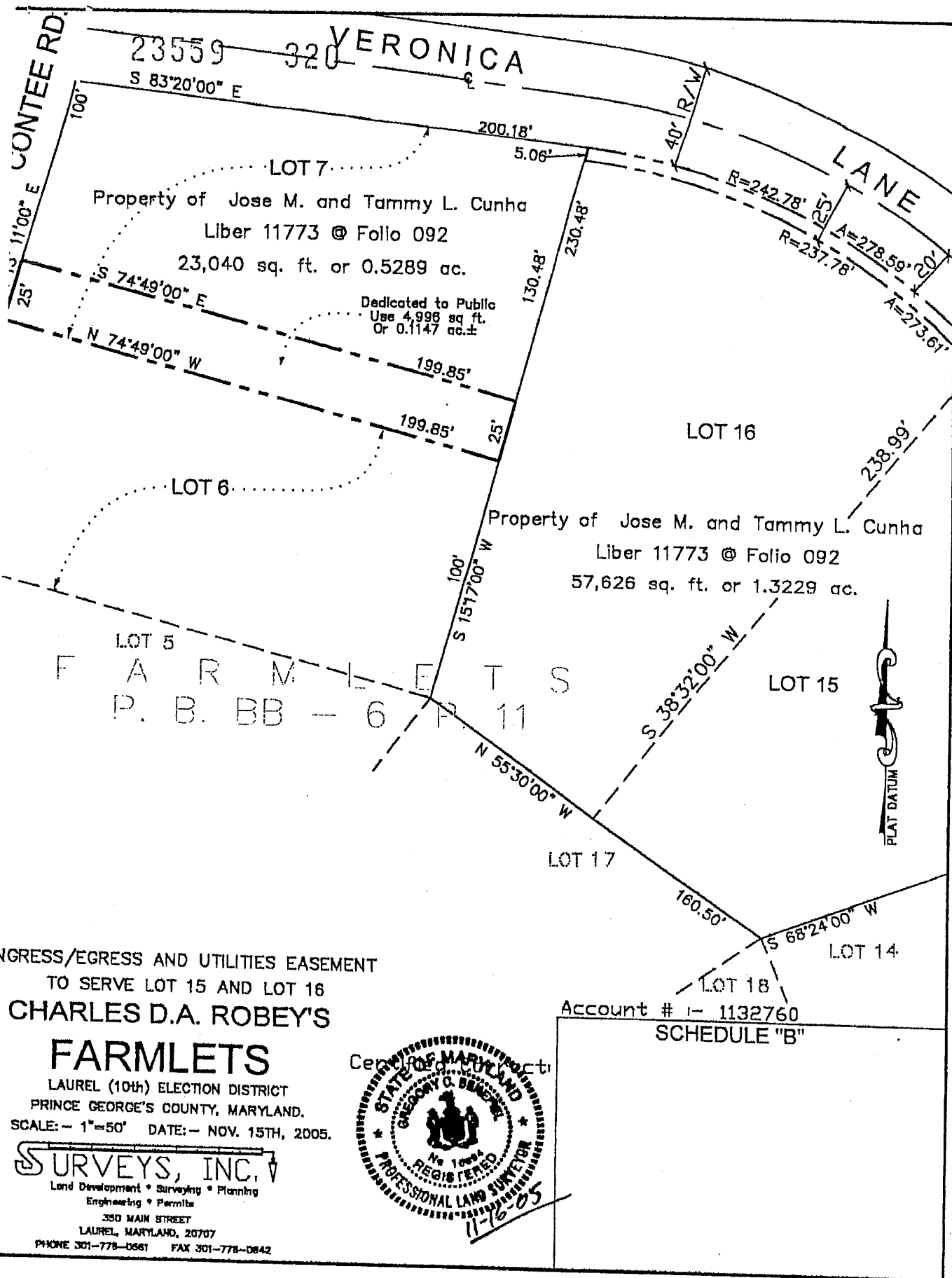
+++++

FOR YOUR USE  AS REQUESTED  RETURN TO SURVEY'S INC.  
 FOR REVIEW  FOR APPROVAL

COMMENTS: Temp  
I Need to Contact Owner  
for records on old House on Lot 15 1995  
area

CC: [Signature]  
GREGORY C. BENEFIEL





INGRESS/EGRESS AND UTILITIES EASEMENT

TO SERVE LOT 15 AND LOT 16

CHARLES D.A. ROBEY'S

FARMLETS

LAUREL (10th) ELECTION DISTRICT  
PRINCE GEORGE'S COUNTY, MARYLAND.

SCALE: - 1"=50' DATE: - NOV. 15TH, 2005.

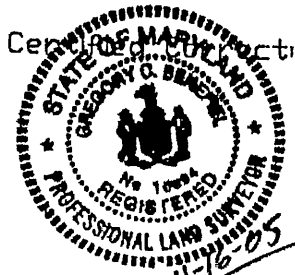
**SURVEYS, INC.**

Land Development • Surveying • Planning  
Engineering • Permits

350 MAIN STREET

LAUREL, MARYLAND, 20707

PHONE 301-778-0561 FAX 301-778-0842



Account # 1- 1132760

SCHEDULE "B"

S-4010



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

**PERMIT REVIEW SECTION**

14741 Governor Oden Bowie Drive, Upper Marlboro MD 20772.

Permit Reviewer:	Tempi Chaney	36101-2005-SGU
Telephone Number:	(301) 952-4707	Farmlets
Fax Number:	(301) 952-4141	Lots 15-16
Permit Status:	<a href="http://www.mncppc.org">www.mncppc.org</a>	November 15, 2005

The following comments were generated from permit review. Any questions or concerns regarding the following should be directed to the reviewer at the phone number provided above.

1. ~~Provide all dimensions of the house on the site plan either on the lot or on a typical.~~ 12/28/05 - OK per revised plans. Temp
2. ~~Demonstrate compliance to section 4.1 of the Landscape Manual. For a lot over 40,000 sq. ft., provide 4 shade trees, which have been provided and 3 ornamental or evergreen trees, which need to be provided.~~ Also, the 4.1 landscape schedule needs to be updated. 12/28/05 - OK per revised plans. Temp
3. Submit private right-of-way approval from DPW&T for the driveway going thru lots 6 and 7 to Contec Road. 12/28/05 - Comment remains outstanding. Lots 15 and 16 have street frontage on Veronica Lane. Either move the driveway to Veronica Lane or obtain a private right-of-way resolution from DPW&T for access between lots 6 and 7 to Contec Road. Temp

November 15, 2005 - Comments faxed to Tom Collins with Legend Builders. Temp  
December 28, 2005 - Comments faxed to Tom Collins with Legend Builders. Temp

1-13-06

TO: Temp Chaney

FROM: Greg Benefiel @ Surveys Inc.



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
PERMIT REVIEW SECTION**

14741 Governor Oden Bowie Drive, Upper Marlboro MD 20772.

*REC. 12.14.2005*

Permit Reviewer: **Tempi Chaney** 36101-2005-SGU  
Telephone Number: (301) 952-4707 Farmlets  
Fax Number: (301) 952-4141 Lots 15-16  
Permit Status: [www.mncppc.org](http://www.mncppc.org) November 15, 2005

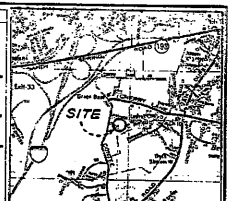
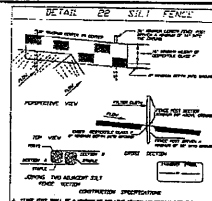
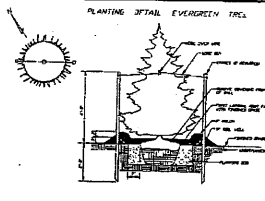
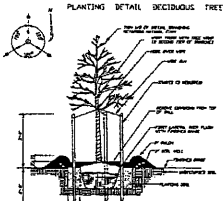
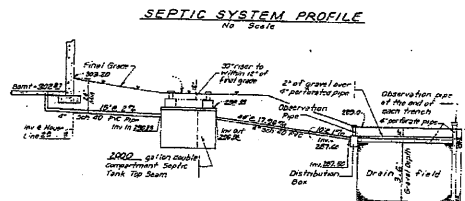
The following comments were generated from permit review. Any questions or concerns regarding the following should be directed to the reviewer at the phone number provided above.

1. Provide all dimensions of the house on the site plan either on the lot or on a typical.
2. Demonstrate compliance to section 4.1 of the Landscape Manual. For a lot over 40,000 sq. ft., provide 4 shade trees, which have been provided and 3 ornamental or evergreen trees, which need to be provided. Also, the 4.1 landscape schedule needs to be updated.
3. Submit private right-of-way approval from DPW&T for the driveway going thru lots 6 and 7 to Contee Road.

November 15, 2005 – Comments faxed to Tom Collins with Legend Builders. Temp

**RESIDENTIAL REQUIREMENTS**

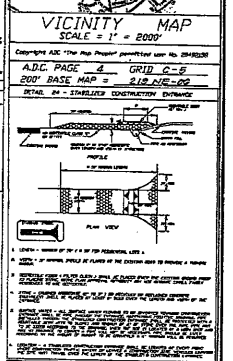
1. PROPERTY OWNER	<u>LEGIS</u>	SHADE TREES	
2. NUMBER OF LOTS	<u>2 LOTS (LOW SITE)</u>	DECIDUOUS TREES	
3. NUMBER OF TREES REQUIRED PER LOT	<u>5</u>	EVERGREEN TREES	
4. TOTAL NUMBER OF TREES PROVIDED	<u>4</u>	SHADE TREES	
		DECIDUOUS TREES	
		EVERGREEN TREES	



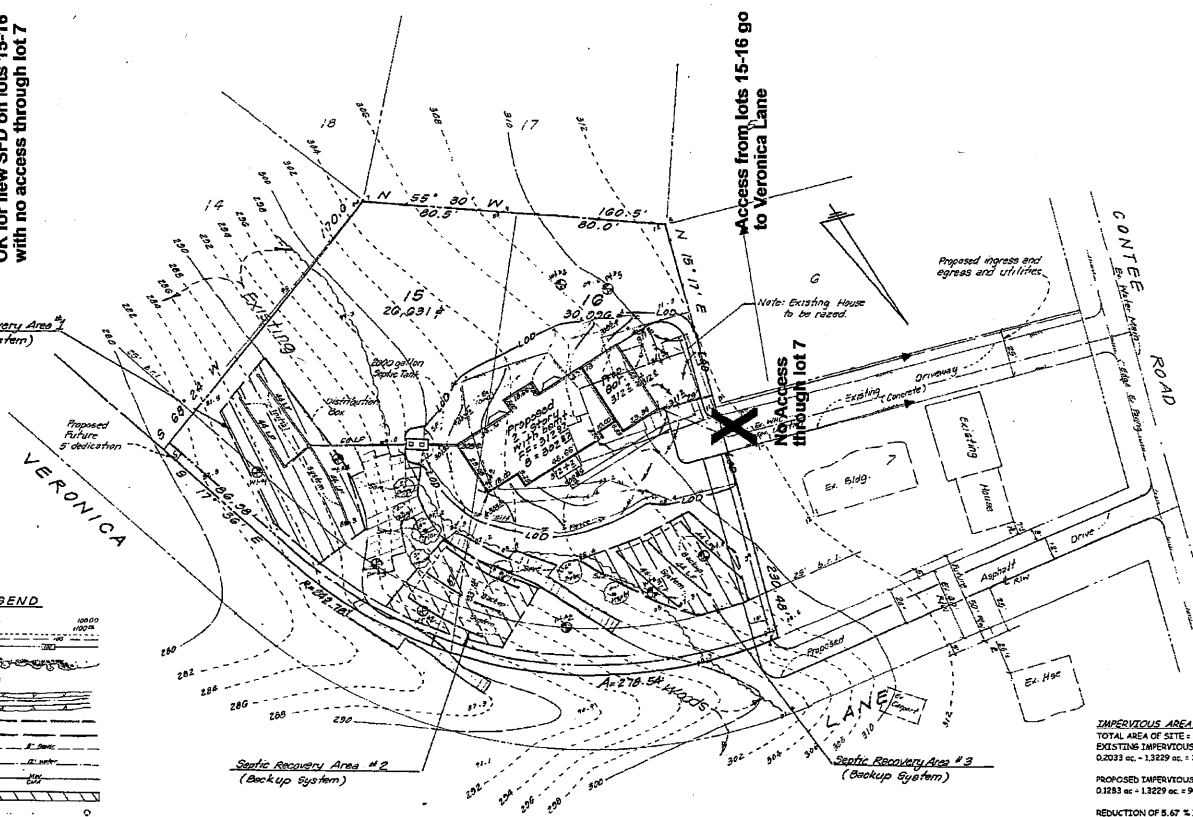
**DETAIL OF SILT FENCE**

**NOTES:**

- GROSS FLOOR AREA = 4,200 sq ft
- TOTAL LOT COVERAGE = 0.97%
- HEIGHT OF SWELLING = 2.0'
- PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT
- NOT IN FLOOD PLAIN AREA AS PER FEMA NO. 1/1A
- PROPERTY TAX ACCOUNT NO. 1132782
- Peric Test Appl # 2104-2005.



**MNCPCC - T. Chaney**  
**APPROVED - March 21, 2006**  
**Permit # - 36101-2005-SGU**  
**OK for new SFD on lots 15-16**  
**with no access through lot 7**



**LEGEND**

Existing Obstructions	100.00
Proposed Obstructions	100.00
Existing Contours	100.00
Proposed Contours	100.00
Et. Inside Line	
Specific Trees	
Stream/Drain	
Buffer Set back	
Line	
Edge of (road)	
Stake Line	
Water Line	
Drain Distribution	
Tree Protection	
Area	
Summer Marsh (Shrub)	
Water (Shrub Area)	
Flow (Inland) (R.H.)	
Utility Pole	
Shaded (Dry) Area	
Artificially Area	
Impervious Construction Footage	
Slopes 2% & greater	

**IMPERVIOUS AREA NOTES**  
 TOTAL AREA OF SITE = 57,827 SF = 1,3229 AC.  
 EXISTING IMPERVIOUS AREA = 8,856 SF = 0.2033 AC.  
 0.2033 ac. = 1,3229 sq. ft. = 15.37 %  
 PROPOSED IMPERVIOUS AREA = 5,548 SF = 0.1283 AC.  
 0.1283 ac. = 1,3229 sq. ft. = 9.70 %  
 REDUCTION OF 5.67 % IMPERVIOUS AREA.

**OWNER / DEVELOPER**  
**APPLICANT:**  
**Legends, Inc.**  
**P.O. Box 511**  
**Burtonsville, Md. 20866**  
**240-216-4898**

CALL "MISS UTILITY" TELEPHONE NUMBER  
 1-800-957-7777 FOR UTILITY LOCATIONS AT  
 LEAST 48 HOURS BEFORE CONSTRUCTION.

**OWNER(S) / DEVELOPER'S CERTIFICATE**  
 I have reviewed this plan and hereby certify that all information contained herein is true and correct and that I have no objection to the construction of the project as shown on this plan and that I have no objection to the construction of the project as shown on this plan and that I have no objection to the construction of the project as shown on this plan.

**CONSULTANT'S CERTIFICATION**  
 I certify that this plan of erosion and sediment control represents a practicable and workable plan based on my personal knowledge of the site, and this plan was prepared in accordance with the requirements of the Prince George's County, Maryland and that I have inspected the site and that drainage flows from up-slope and down-slope onto properties, and have been addressed in substantial accordance with applicable codes.

**SURVEYOR'S CERTIFICATE OF COMPLIANCE**  
 I hereby certify to the best of my knowledge and belief, that this plan is in accordance with and in conformance to the minimum standards and requirements of Subtitle 4, Division 3 of the Building Code of Prince George's County, Maryland and that I have inspected the site and that drainage flows from up-slope and down-slope onto properties, and have been addressed in substantial accordance with applicable codes.  
 TOTAL AREA DISTURBED IS 13,545 sq. ft.  
 DATE 7-7-05

**SURVEYS, INC.**  
 SURVEYORS • ENGINEERS • LAND PLANNERS  
 CONSULTING SERVICES  
 300 MAIN STREET  
 LAUREL, MARYLAND, 20707  
 PHONE: 301-714-0541 FAX: 301-714-0542

DATE	REVISION
8-7-05	H.D. Conroy/LS
11-30-05	PLP Con. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
2-24-06	Add Et. schedule to Veronica Lane
3-3-06	Add prop. drg. (Veronica Lane)

**SITE DEVELOPMENT PLAN**  
**7010 Contee Road**  
**LOTS 15 & 16**  
**"FARMLETS"**  
**Laurel (04th) Election District**  
**Prince George's County, Maryland**

SCALE	1" = 30'	DESIGNER	LC	CHECKED BY	OSK
DATE	5-18-05	DRAWN BY	LC	FIELD BOOK	36-19
JOB NUMBER	04-36	SHEET NUMBER	1 of 1	FILE NUMBER	L-234

36101-2005-01

December 14, 2018

**MEMORANDUM**

TO: Ras Cannady, II, Urban Design

FROM: Jason Bartlett, Permit Review Section, Development Review Division

SUBJECT: Referral Comments for **SE-4811**, Contee Estates, LLC an Assisted Living Facility

1. If the subject property is allowed access via the joint driveway through Lot 7, as they are requesting, then the proposed parking is adequate and acceptable. If they are required to access the property via Veronica Lane, it is not. The three parallel spaces provided along the Veronica Lane access driveway will not allow a 22-foot-wide drive isle required by code and parking must therefore be provided elsewhere.
2. Show the adjoining property as lots, not parcels, as shown on the record plat recorded in the Land records of Prince George's County. Plat book BB6, Page 11 (MSA C2381-443)
3. For clarity, the certified plan's title block should state "Site and Landscape Plan" (over) "Contee Estates, LLC an Assisted Living Facility". It currently does not include the term "Landscape Plan", which it jointly is, and it is currently labeled "Farmlets", which is the name of the subdivision, not the subject of the Special Exception.
4. Show "Required" and "Provided" building setbacks in the note section of the Site & Landscape Plan plan.
5. Proposed fence along the Veronica Lane access driveway will require a separate building permit. You will also need to include the height, type and detail of the fence on the Site and Landscape Plan
6. Schedule 4.9 and Schedule 4.2-1 for Lot 7 is missing from the Site and Landscape Plan – Sheet 3
7. Schedule 4.2-1 of the landscape plan:
  - 1) Linear feet of street frontage, minus driveway(s) is wrong. I measured it at 355 LF

- 2) Option 3 cannot be used, as there is not a 25'-wide strip of noninvasive existing trees along the entire street frontage.
8. All existing or proposed landscaping (buffers, strips, yards) must be clearly delineated on the Site and Landscape Plan – Sheet 1
9. 50% reductions in schedules 4.2-1 cannot be utilized, as the subject property is not in the Developed Tier.
10. Required buffer yards along the property lines adjoining Lot 6 and Lot 7 cannot be provided due to the existence of the entry driveway off Veronica Lane.
11. Provide evidence of permits having been issued for all existing fences.

January 14, 2019

**MEMORANDUM**

**TO:** Ras Cannady II, Subdivision and Zoning Section, Development Review Division

**VIA:** Scott Rowe AICP, CNU-A, Supervisor Long Range Section, Community Planning Division. *SR by fes*  
David A. Green, Master Planner, Community Planning Division *DAG*

**FROM:** Samuel L. White, Jr., Senior Planner, Neighborhood Revitalization Section, Community Planning Division *SW*

**SUBJECT:** **SE-4811; Contee Estate, LLC an assisted living facility**

**FINDINGS**

The Community Planning Division finds that, pursuant to Section 27-317(a)(3), this application will not substantially impair the integrity of the 2010 *Subregion 1 Master Plan*.

**BACKGROUND**

**Application Type:** Special Exception for an assisted living facility in the R-R Zone.

**Location:** 7111 Veronica Lane, Laurel, Maryland 20707.

**Size:** 1.32 acres

**Existing Uses:** Single family home

**Proposal:** The applicant is proposing to congregate an assisted living facility with up to sixteen (16) elderly and/or physically handicapped residents.

**GENERAL PLAN, MASTER PLAN, AND SMA**

**General Plan:** This application is located within the Established Communities growth policy area. Plan 2035 describes Established Communities as areas appropriate for context-sensitive infill and low- to -medium density development and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of residents are met.

SE-4819; Enterprise Rent-a-Car Park Central

**Master Plan:** The 2010 *Subregion 1 Master Plan* recommends Residential Low land use on the subject property.

**Planning Area:** 60

**Community:** Northwestern Area

**Aviation/MIOZ:** This property is not located in an Aviation Policy Area or the Military Installation Overlay Zone.

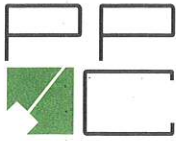
**SMA/Zoning:** The 2010 Approved Sectional Map Amendment for Subregion 1 for (Planning Areas 60, 61, 62 and 64) retained the subject property in R-R (Rural Residential) Zone.

c: Long-range Agenda Notebook

Frederick Stachura, Planning Supervisor, Neighborhood Revitalization Section, Community Planning Division



MIN  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION




Countywide Planning Division  
Transportation Planning Section

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
www.mncppc.org/pgco

301-952-3680

January 23, 2019

**MEMORANDUM**

TO: Ras Cannady, Subdivision and Zoning Section, Development Review Division  
FROM:  Tom Masog, Transportation Planning Section, Countywide Planning Division  
SUBJECT: **SE-4811: Contee Estate**

**Proposal**

The applicant is seeking special exception approval for a congregate living facility for 15 residents.

**Background**

There are no transportation-related findings related to adequacy associated with a special exception; the main transportation-related requirements are that the use “will not adversely affect the health, safety, or welfare of residents or workers in the area” and that the use “will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan.” Section 27-344 of the Zoning Ordinance has special requirements for congregate living facilities; none of these requirements are transportation-related.

**Review Comments**

The congregate living facility is proposed within an existing residence on Lots 15 and 16 of Farmllets; no expansion of the residence is proposed. Access is proposed from Contee Road via a one-way driveway crossing adjacent Lot 7 of Farmllets. Egress is via a one-way driveway across Lot 16 to Veronica Lane. The driveway or easement over a different residential lot is not acceptable for this use. Specifically, the use of an easement or shared driveway in the R-R Zone is restricted to one-family dwellings or agricultural uses (Section 24-128(b)(1)). The subject lot (Lots 15/16) has access to and frontage on a public street, Veronica Lane. The public street needs to be improved to the County’s standard if required to do so by the County, and access to Lots 15/16 across Lot 7 must be eliminated.

As noted earlier, there is no specific traffic adequacy finding associated with a special exception. The trip generation associated with a 15-resident congregate care facility is 1 AM and 3 PM peak-hour trips. This is a de minimis trip generation.

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

**Conclusion**

From the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a Special Exception as described in the Zoning Ordinance if the plan is modified to eliminate access over Lot 7 and designate the driveway within Lots 15/16 as two-way (access and egress).

Countywide Planning Division  
Environmental Planning Section

301-952-3650

January 24, 2019

**MEMORANDUM**

TO: Ras Cannady, Senior Planner, Subdivision and Zoning Section, DRD  
VIA: Katina Shoulars, Planning Supervisor, Environmental Planning Section, CWPD  
FROM: Marc Juba, Senior Planner, Environmental Planning Section, CWPD  
SUBJECT: SE-4811; Contee Estate, LLC

*Handwritten notes:*  
FF  
FF For MMS

The Environmental Planning Section (EPS) has reviewed Special Exception SE-4811, received by the Countywide Planning Division on December 10, 2018. The Environmental Planning Section recommends approval of the application with no conditions.

The site has a Natural Resource Inventory Equivalency Letter (NRI-005-2019), which was issued on January 14, 2019. The EPS also previously issued a Standard Letter of Exemption (S-163-2019) from Subtitle 2 Woodland and Wildlife Habitat Conservation Ordinance (WCO) that was issued on November 7, 2018. The site is developed with a building and driveway with open grown trees and less than 10,000 square feet of existing woodlands on-site. The rest of the site is green space with landscaped trees and a patio. No regulated environmental features are located on the site. According to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), the site contains Sassafras and Croom soils, as well as Beltsville silt loam. No unsafe soils containing Christiana complexes or Marlboro clays are associated with this site. This site is not within a Sensitive Species Protection Review Area (SSPRA) based on a review of the SSPRA GIS layer prepared by the Maryland Department of Natural Resources Natural Heritage Program (DNR HNP).

The site is required to obtain an approved Stormwater Management Plan prior to permit to be reviewed and approved by the Site Road Division of the Department of Permitting, Inspections and Enforcement (DPIE). A stormwater concept plan was not required for review as part of this application.

If you have any questions regarding these comments, please contact me at 301-883-3239 or by e-mail at marc.juba@ppd.mncppc.org



*Division of Environmental Health/Disease Control*

Date: December 17, 2018

To: Ras Cannad, II, Urban Design, M-NCPPC

From: Adebola Adepaju, Environmental Health Specialist, Environmental Engineering/ Policy Program

Re: SE-4811; Contee Estate, LLC an Assisted Living Facility

The Environmental Engineering/Policy Program of the Prince George's County Health Department has completed a health impact assessment review of the Special Exemption plan submission for the Contee Estate, LLC. an Assisted Living Facility and has the following comments/recommendations:

1. Submit application for the Assisted Living Licensure from the State of Maryland's Department of Health's Office of Health Care Quality.
2. The facility must be in compliance with COMAR 10.07.14 regulations under the Office of Health Care Quality.

If you have any questions or need additional information, please contact me at 301-883-7677 or [aoadepaju@co.pg.md.us](mailto:aoadepaju@co.pg.md.us).



Environmental Engineering/Policy Program  
Largo Government Center  
9201 Basil Court, Suite 318, Largo, MD 20774  
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711  
[www.princegeorgescountymd.gov/health](http://www.princegeorgescountymd.gov/health)



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
www.pgplanning.org  
301-952-3530

February 1, 2019

**MEMORANDUM**

TO: Ras Cannady, Senior Planner, Subdivision and Zoning Section

VIA: Jill Kosack, Supervisor, Urban Design Section *JK*

FROM: *HZ* Henry Zhang, Master Planner, Urban Design Section

SUBJECT: Special Exception SE-4811, Contee Estate

The Urban Design Section has reviewed the information provided in support of Special Exception SE-4811, Contee Estate. The subject property is located on the south side of Veronica Lane, surrounded on the other three sides by existing single-family detached dwellings, within an established residential neighborhood in the Rural-Residential (R-R) Zone. More specifically, the property is located at 7111 Veronica Lane, Laurel, Maryland. The property consists of approximately 1.32 acres of land and is improved with an existing two-story dwelling of 7,431 square feet. The applicant proposes to use the existing house for a congregate living facility to serve more than eight (up to 16) elderly and/or physically handicapped residents that requires a Special Exception (SE) approval in accordance with Section 27-441(b).

**ZONING ORDINANCE**

The proposed congregate living facility is subject to the requirements of the R-R Zone in accordance with Section 27-442, Regulations, including net lot area, lot coverage and green area, lot width frontage, yards and building heights. The existing building conforms to the requirements.

Section 27-344, Congregate living facility, provides additional requirements for approval of the requested Special Exception. The applicant has provided a Statement of Justification that addresses the additional approval criteria.

**LANDSCAPE MANUAL**

The application to use the existing house as a congregate living facility is subject to requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) as follows:

**Section 4.2 - Requirements for Landscape Strips Along Street**

The Special Exception application is fronting on Veronica Lane and is subject to Section 4.2, Requirements for Landscape Strips Along Streets along that frontage. The applicant has provided Section 4.2 schedules and shown that the existing woodland (Option 3) will be used to fulfill the requirements. However, the existing woodland along Veronica Lane is not continuous and there

are gaps that should be filled with additional landscaping and the existing woodland should also not have any invasive species. The applicant should revise the Section 4.2 schedule to address the gaps along the street frontage on the landscape plan.

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

The Special Exception application is in conformance with Section 4.4 of the Landscape Manual, insofar as it is applicable.

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

The Special Exception application is subject to the requirements of Section 4.7 of the Landscape Manual along the project's southern, eastern and western boundary lines because the intensity of the use on the site has been increased to "Low" impact, with the conversion of a single-family dwelling to a congregate living facility. A Type B bufferyard is required, which includes a minimum 30-foot-wide building setback and 20-foot-wide landscaped yard to be planted with 80 plant units per 100 linear feet of the property line. The SE plan shows that the existing building meets the requirements for the building setbacks; but cannot meet the width of the bufferyard along the western property line where an existing concrete driveway and a brick shed are located within the required landscaped yard. The applicant should file an Alternative Compliance (AC) application to address the non-conformance. If the AC is not approved, a departure from design standards (DDS) would be required.

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

The Special Exception application is subject to the requirements of Section 4.9 of the Landscape Manual. The applicant must provide the required Section 4.9 schedule to show conformance with the requirements. In addition, the registered landscape architect, who prepared the plan, should sign and seal the plan.

### **TREE CANOPY COVERAGE**

This application is not subject to the Tree Canopy Coverage Ordinance because the project proposes less than 5,000 square feet of gross floor area or disturbance.

### **URBAN DESIGN RECOMMENDATIONS**

Based on the above analyses, the Urban Design Section recommends the following:

1. Prior to approval of this Special Exception, the applicant shall:
  - a. Revise Section 4.2 schedule and landscape plan to show conformance with the requirements.
  - b. Provide a note stating the conformance with Section 4.4 requirements.
  - c. File an Alternative Compliance application to seek relief from the requirements of Section 4.7 along the western boundary or obtain approval of a departure from design standards.
  - d. Provide a Section 4.9 schedule on the landscape plan.




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

DATE: June 27, 2019  
 TO: Andree Green Checkley, Planning Director  
 VIA: Jill Kosack, Co-Chair, Alternative Compliance Committee  
 FROM: Thomas Burke, Alternative Compliance Committee Member  
 PROJECT NAME: Contee Assisted Living  
 PROJECT NUMBER: Alternative Compliance AC-19008  
 COMPANION CASE: Special Exception SE-4811

**ALTERNATIVE COMPLIANCE**

Recommendation:             Approval             Denial

Justification: SEE ATTACHED

Thomas Burke  
  
 \_\_\_\_\_  
 Reviewer's Signature

**PLANNING DIRECTOR'S REVIEW**

Final Decision             Approval             Denial

Recommendation             Approval             Denial

To Planning Board

To Zoning Hearing Examiner

Planning Director's Signature Andree Green Checkley 6/27/19  
 \_\_\_\_\_  
 Date

**APPEAL OF PLANNING DIRECTOR'S DECISION**

Appeal Filed: \_\_\_\_\_

Planning Board Hearing Date: \_\_\_\_\_

Planning Board Decision:  Approval             Denial

Resolution Number: \_\_\_\_\_

Alternative Compliance: AC-19008  
Name of Project: Contee Assisted Living  
Underlying Case: Special Exception SE-4811  
Date: June 27, 2019

Alternative compliance is requested from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) for Section 4.7, Buffering Incompatible Uses, which requires a bufferyard along the western property line, adjacent to existing single-family detached homes on Lots 6 and 7.

**Location**

The subject 1.32-acre property is located at 7111 Veronica Lane, east of Contee Road, in Laurel, Maryland. The subject site is in the Rural Residential Zone within the geography previously designated as the Developing Tier and reflected on Attachment H(5) of the *Plan Prince George's 2035 Approved General Plan*, as found in Prince George's County Planning Board Resolution No. 14-10 (see County Council Resolution CR-26-2014, Revision No. 31).

**Background**

The underlying Special Exception, SE-4811, proposes to convert the existing residential dwelling to a congregate living facility for up to 16 residents. The SE includes widening the existing 20-foot-wide driveway to 22 feet and establishing additional parking spaces to serve the new use. The SE is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual because it involves a change of use from a lower- to a higher-intensity use category, and from a residential use to a nonresidential use. The applicant has filed this request for alternative compliance from Section 4.7 along the western property line, adjacent to existing single-family detached homes on Lots 6 and 7, for providing the required Section 4.7 bufferyard on both sides of the existing driveway for a total width that is wider than the required 20 feet.

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

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

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

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

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

**Justification of Recommendation**

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

The alternative design solution consists of a landscape strip located between the existing driveway and the western property line, with a varied width of three to four feet, to be planted with trees and shrubs. There is an existing 6-foot-high chain-link fence with a brick foundation on Lot 6 which contributes to the separation. In addition, a 20-foot-wide bufferyard is proposed to be located east of the driveway within the northern portion of the lot, to be planted with trees and shrubs. However, a similar treatment should be provided within the southern portion of the lot, adjacent to the east side of the driveway, except where the existing building is located. One additional shade and two ornamental trees should be provided in this southern section of the bufferyard. As such, the total plantings will be 184 units, which is an additional 19 units more than required.

The Alternative Compliance Committee finds the applicant's proposal equally effective as normal compliance with Section 4.7, if approved with one condition, given the proposed bufferyard width is provided on both sides of the existing driveway and the provision of 10 percent more plant units than normally required.

**Recommendation**

The Alternative Compliance Committee recommends APPROVAL of Alternative Compliance AC-19008, Contee Assisted Living, from the requirements of Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual*, along the western property line, adjacent to existing single-family detached dwellings, subject to the following condition:

1. Provide a 20-foot-wide landscape yard in the southern portion of the site, east of the existing driveway, with one additional shade tree and two ornamental trees.



# SURVEYS, INC.

Surveying \* Engineering \* Land Planning \* Permits

350 Main Street

Laurel, Maryland 20707

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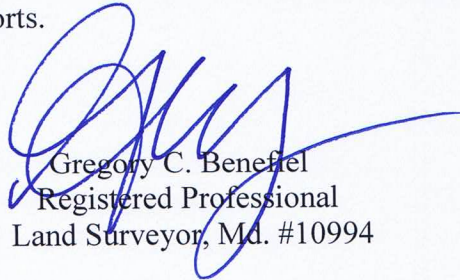
To: M.N.C.P. & P.C.  
Development Review Division  
1470 Governor Oden Bowie Drive  
Upper Marlboro, Md. 20707  
Development Review  
Attn: Ras Cannady

February 25, 2019

Ref: "CONTEE ESTATES, LLC an  
ASSISTED LIVING HOME"  
Lots 15 & 16  
7111 Veronica Lane  
SE-4811

Dear Mr. Cannady,

We, Survey's, Inc. (Engineer) and Maude Abayomicole (Owner) request to waive the 150 day mandatory review period for the above mentioned project. Due to additional requirements for the project. Thank you for your time and efforts.

  
Gregory C. Benefiel  
Registered Professional  
Land Surveyor, Md. #10994