



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

November 19, 2020

**RE: SE-4811 / AC-19008 Congregate Living Facility
Contee Estate Assisted Living, LLC / Marie Abayomi-Cole, Applicant**

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed a copy of Zoning Ordinance No. 7 - 2020 setting forth the action taken by the District Council in this case on November 16, 2020.

CERTIFICATE OF SERVICE

This is to certify that on November 19, 2020 this notice and attached Council order were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script, reading "Donna J. Brown".

Donna J. Brown
Clerk of the Council

Case Nos: SE-4811
AC-19008
Congregate Living Facility

Applicant: Contee Estate Assisted Living, LLC/
Marie Abayomi-Cole

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 7 - 2020

AN ORDINANCE to conditionally approve Special Exception 4811 (SE-4811) and Alternative Compliance 19008 (AC-19008).

WHEREAS, SE-4811 is a request to approve a Congregate Living Facility to serve up to sixteen (16) residents in a 7,431-square-foot single-family detached dwelling on approximately 1.32 acres of land in the R-R (Rural Residential) Zone, located at 7111 Veronica Lane, Laurel, Maryland, Councilmanic District 1; and

WHEREAS, AC-19008 is a request for alternative compliance from the requirements for Section 4.7 (Buffering Incompatible Uses) of the 2010 Landscape Manual; and

WHEREAS, the subject property consists of Lots 15 and 16 of D.A. Robey's Farmlets subdivision and is owned by Marie Abayomi-Cole; and

WHEREAS, Contee Estate Assisted Living, LLC, having been issued a certificate in good standing to transact business within the State, will operate the Congregate Living Facility if the application is approved; and

WHEREAS, the applications were advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the Technical Staff recommended approval of the applications with conditions; and

WHEREAS, the Planning Board elected not to consider the application at a public hearing and adopted Technical Staff's recommendation of approvals; and

WHEREAS, the Zoning Hearing Examiner held evidentiary hearings on the applications on October 23, 2019 and November 13, 2019; and

WHEREAS, Jennifer Krochmal, Daniel Sheffield, Irleane Santos and Robert Taylor appeared at the hearing and testified in opposition; and

WHEREAS, on February 14, 2020, the Zoning Hearing Examiner recommended that the applications be approved subject to certain conditions; and

WHEREAS, on March 9, 2020, the District Council elected to make the final decision on the applications; and

WHEREAS, on September 18, 2020, the Clerk of the Council notified persons of record that oral argument on the applications would be held on October 26, 2020; and

WHEREAS, on October 26, 2020, the District Council considered the applications using oral argument procedures to allow the applicant and opposition to present arguments for and against the applications; and

WHEREAS, the District Council has determined, based on testimony and evidence of record, including parking, ingress/egress, facility transportation, facility certification, facility waste/trash/medical disposal, fence disrepair and debris, that the applications should be subject to certain conditions to fully satisfy legal requirements for approval and to protect surrounding properties and the neighborhood; and

WHEREAS, as a basis of this final decision, except as otherwise stated herein, the District Council adopts and incorporates by reference the findings and conclusions set forth in the Examiner's recommendation of approval filed on February 14, 2020.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Special Exception 4811 and AC-19008 are APPROVED subject to:

1. Revise the Special Exception Site and Landscape Plan to:
 - 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 Special Exception 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 Special Exception Site and landscape plan.
 - d. Revise the Section 4.2 schedule on the Special Exception Site and Landscape Plans to detail why there is conformance with applicable requirements and certify that the woodland contains noninvasive species or submit a letter from the Alternative Compliance Committee that indicates why such certification is not required.
 - 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. Revise the Landscape Plan to add Leyland Cyprus Trees along the areas, labeled P1 and P2 on Exhibit 30, to help ensure privacy for the adjoining properties in those areas.
 - h. Clarify the actual lot coverage to remove discrepancy between Note 8 and the lot coverage information shown just above the signature block on Exhibit 30.
 - i. Outline the subject property in red as required by Section 27-296 of the Zoning Ordinance.
 - j. Provide two parking spaces for employees, one parking space for a transportation van and two parking spaces for residents.

2. The Applicant shall meet all applicable provisions of Subtitle 23 and Subtitle 32 to include the County's Specifications and Standards for Roadways and Bridges particularly for ingress and egress of emergency vehicles.
3. Submit a copy of the National Resource Inventory Equivalency Letter.
4. The Applicant shall provide a twelve to fifteen passenger wheelchair accessible vehicle for the residents and/or coordinate with local Medicaid transportation, hospital transportation, community action programs, community public/private transit, volunteer transportation programs (i.e., Faith in Action, Red Cross, RSVP, faith communities), community centers, local senior centers/senior services, county shared ride program, etc. These collaborating organizations may provide or supplement the Congregate Living Facility provided transportation, while others may share equipment and/or vehicles that the Congregate Living Facility program staff/drivers use to transport participants or help fund the transportation program.
5. The Applicant shall submit verification that the Congregate Living Facility has a transportation policy for residents that discourages the use of private vehicle use by the residents and submit verification the facility has consulted the Federal Transit Administration's Coordinating Council on Access and Mobility technical assistance program for transportation for residents.
6. The Congregate Living Facility shall provide a trash/waste disposal dumpster with a minimum size of a four-yard bin (80" width, 54" depth, 48" height) for commercial waste removal. The facility shall comply with County Code §21-149.01, Commercial & Industrial Recycling Program; responsibilities of owners. The facility shall not utilize the residential trash/waste program provided for residential properties.
7. The Applicant shall provide a written plan for handling the removal of medical waste and shall implement such plan when needed.
8. The Applicant shall repair the fence along the property line, including the sections shown in Exhibits 42 (f), (g) and (h), and shall remove the debris shown in Exhibits 42 (c), (f) and (k).
9. The Applicant shall remove the dead tree along the property line shown in Exhibits 42 (d) and (e).
10. Provide evidence from Prince George's County Health Department that the facility complies with COMAR 10.07.14 under the Office of Health Care Quality.
11. Conditions of approval shall be satisfied prior to issuance of permits and submitted to the Office of the Zoning Hearing Examiner for review and inclusion in the record.

SECTION 2. Subject to the conditions of approval, use of the subject property shall be subject to all other requirements of the Zoning Ordinance. Failure to comply with any condition of approval shall constitute a zoning violation and shall constitute sufficient grounds for the appropriate County agency to institute all appropriate proceedings to void or terminate the Special Exception approval or take any other action deemed necessary to obtain compliance with this approval.

SECTION 3. This Ordinance shall become effective upon enactment.

ENACTED this 16th day of November, 2020, by the following vote:

In Favor: Council Members Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Ivey, Streeter, Taveras, and Turner.

Opposed:

Abstained:

Absent: Council Member Hawkins.

Vote: 10-0.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: 

Todd M. Turner, Council Chair

ATTEST:



Donna J. Brown
Clerk of the Council