

**Sterling Care Hillhaven  
Alternative Compliance  
Buffer Incompatible Uses and Sustainable Landscape Requirements**

Hillhaven SNF Realty, LLC (the “Applicant”) presents the Special Exemption (SE-24003) application for Sterling Care Hillhaven located in Adelphi, MD. The proposed development occurs on an 8.34-acre site with a street address of 3210 Powder Mill Road, Adelphi, Maryland, that consists of 5 existing properties that are being consolidated (collectively referred to as the “Property”). The Property has an existing assisted living and rehabilitation facility, 1-story brick accessory building, 2-story residential building with a detached garage, all belonging to Sterling Senior Care. Proposed work will involve constructing an addition to the existing assisted living and rehabilitation facility and providing surrounding site improvements.

These site improvements include the provision of additional parking spaces need to support the building expansion, concrete sidewalk connection(s) for circulation, perimeter fencing and retaining walls and concrete staircases where necessary. Additionally, the existing gravel driveway (serving the 2-story residential building on-site) will be replaced with an asphalt driveway to provide adequate/necessary fire access.

There are three areas of the property where we are requesting alternative compliance as described below.

The *2010 Prince George’s County Landscape Manual* Section 4.7 Buffering Incompatible Uses requires a minimum thirty (30) foot building setback when a nursing or care home (low impact) is adjacent to a single-family detached home (Type B Bufferyard). The building is meant to be at least 30 feet from the property line (4.7-1(A)). It is required to have 80 plant units per 100 linear feet of property line. The adjoining property line is 638 feet in length and requires 511 plant units in this buffer area. This is shown on the plan as “Buffering Incompatible Uses – A.”

In a previous iteration of this Alternative Compliance request, we had also requested accommodations for Section 4.7 Buffering Incompatible Uses requires a minimum twenty (20) foot wide buffer when a nursing or care home (low impact) is adjacent to a single-family detached home (Type B Bufferyard. This is shown on the plan as “Buffering Incompatible Uses – D.” We are no longer requesting this accommodation after consultation with the Alternative Compliance review team with M-NCPPC.

The *2010 Prince George’s County Landscape Manual* Section 4.9 Sustainable Landscape Requirements requires percentage of native plant material to be proposed, invasive species to be excluded, and proposed trees to be planted on steeps less than 3:1. There are areas of the property where steep slopes are unavoidable and landscape manual items are required; therefore, proposed trees are shown on slopes steeper than 3:1 on the Property.

On behalf of the Applicant, we are writing to request Alternative Compliance for the Buffering of Incompatible Uses requirement of the *2010 Prince George’s County Landscape Manual* as outlined below.

## REQUESTED ALTERNATIVE COMPLIANCE – BUFFERING INCOMPATIBLE USES – A

Alternative compliance is requested to the proposed building offset from 30 feet to a distance ranging from 26'-4" at the closest point along the western property line along Lot 2 to 27'-11" at the closest point along northern property line along Parcel 24 (see attached Exhibit 4.7-1-A).

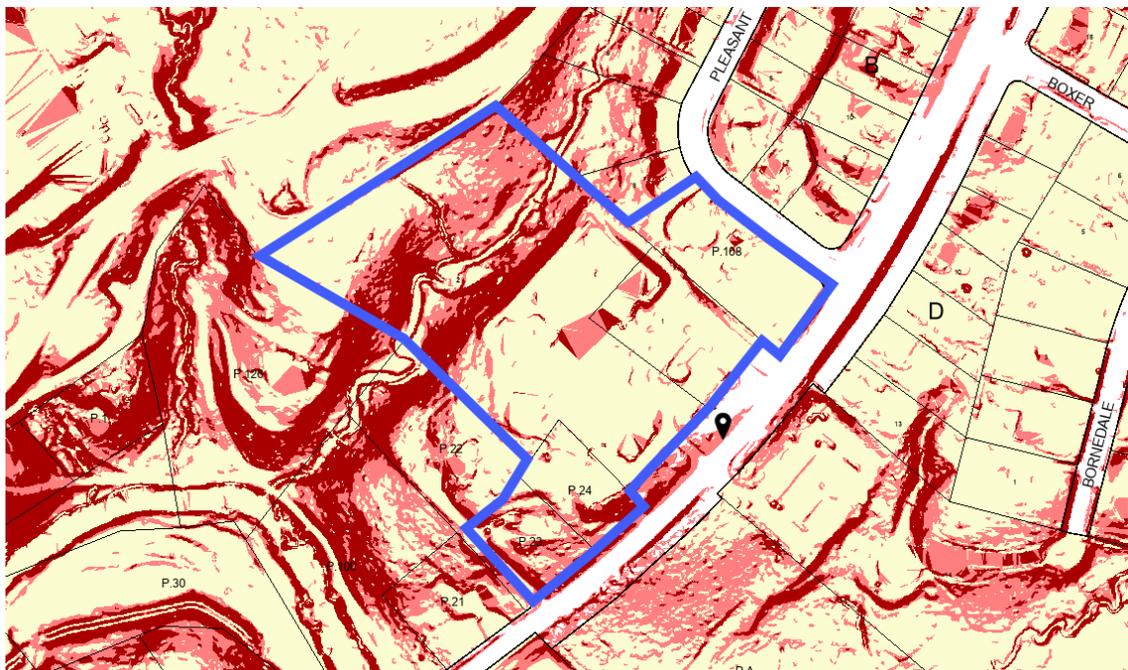
### REQUIRED FINDINGS

Section 1.3 of the Prince George's County Landscape Manual sets forth the requirements for approval of alternative compliance applications.

*a. The standards contained in this manual are intended to encourage development that is economically viable and environmentally sound. The standards are not intended to be arbitrary or to inhibit creative solutions. Project conditions may justify approval of alternative methods of compliance with the standards. Conditions may arise where normal compliance is impractical or impossible or where maximum achievement of the purposes can only be obtained through alternative compliance. Requests for alternative compliance may be approved for any application when one or more of the following conditions are present:*

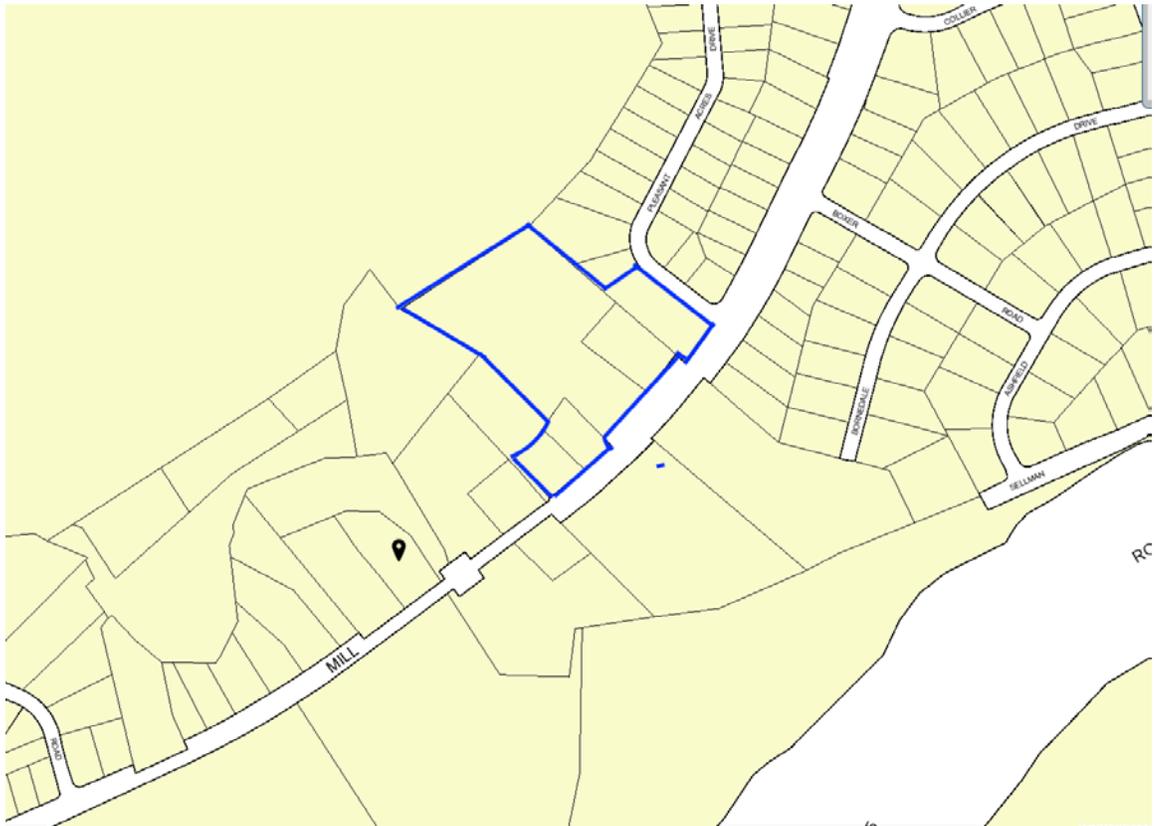
- 1. Topography, soil, vegetation, or other site conditions are such that full compliance with the requirements is impossible or impractical and improved environmental quality would result from the alternative compliance.*

Response: The existing topography in the area of the new building addition (mainly on Parcels 23 and 24) vary from slopes less than 15%, slopes between 15% and 25%, and slopes greater than 25%. Below is a PG Atlas image showing the steep slopes on the Property (in blue):



2. *Space limitations, unusually shaped lots, prevailing practices in the surrounding neighborhood, in-fill sites, or improvements and redevelopment in older communities support alternative compliance.*

Response: The Property is unique and peculiar in shape with its widest portion along its frontage with Powder Mill Road, and its narrowest portion in the rear of the existing facility. This results in a “hammerhead” shape of the Property with significant environmental features in the rear of the site, and a wider and more developable portion of the site along Powder Mill Road. No other adjacent properties have this unique and peculiar shape. Below is a PGAtlas image showing this unique shape of the Property (in blue):



The proposed building addition was designed to follow the existing building’s orientation within the Property. The included Exhibit 4.7-1-A shows the existing building constructed at a distance of 27’-11” from the property line. Along the western property line, the new building is offset a minimum of 26’-0” from the property line. From this point, the proposed building follows the alignment of the existing building and diverges from the property line. Where the property line turns, the proposed building is set back from the property corner a distance of 28’-9” along the western property line and 30’-5” from the northern property line of Parcel 24. At the juncture of Parcels 23 and 24, the property lines create an obtuse angle. The smallest distance the building is offset from the property line is 27’-11”. The property line then diverges from the building alignment from this point forward. The proposed building design follows current standards for nursing homes and building codes.

3. *Change of use on an existing site increases the buffer required by Section 4.7, Buffering Incompatible Uses, more than it is feasible to provide.*

Response: This request is not based on a change of use.

4. *Safety considerations make alternative compliance necessary.*

Response: This request is not based on a safety consideration.

- b. *A proposed alternative compliance measure must be equally effective as normal compliance in terms of quality, durability, hardiness, and ability to fulfill the design criteria in SECTION 3, Landscape Elements and Design Criteria.*

Response: Section 4.7(c)(3) Table 4.7-2 indicates that since the Property is low impact (nursing or care home) and is adjacent to a single-family detached home, a Type B Bufferyard is required. Table 4.7-3 indicates the minimum building setback required is 30 feet, the minimum landscaping yard required is 20 feet, and the minimum number of plant units required is 80 per 100 linear feet of property line. The adjoining property line is 638 feet in length and requires 511 plant units in this buffer area. The required plant material may be reduced by 50% when a six foot high fence or wall is provided (256 PU). The exact composition of the plant units is not defined.

The requirement is met with an alternative compliance as follows:

1. The bufferyard adjacent to the residential property is being shown at 20' wide for the entire length of the property line (638 feet). The planting units required for this length is 511 PU. Because of the existing forest along this portion of the property line, we are able to decrease the planting to 436 PU and we are showing the following:

Plant Type	Quantity	PU	Provided PU
Existing Forest	15% or 96 lf		
Shade Tree	7	10	70
Evergreen Tree	31	5	155
Ornamental Tree	9	5	45
Shrubs	193	1	193
		Total	463

We are exceeding the required PU and are doing so with a proposed six foot high fence as well. The plant materials proposed are part of the approved lists in the Landscape Manual, so there will be no change to durability of hardiness. We do not believe the decreased building setback will be a detriment to the growth or maintenance of the proposed plantings or building as they are often used in hedgerow conditions. Additionally, we do not think it will disrupt the neighboring property as we are providing both a six foot high fence and buffer planting in excess of the requirement. The design criteria in Section 3 are not affected by the alternative compliance.

2. We are proposing the six foot high fence extend from the edge of forest to the edge of the building where it starts decreasing from the 30' offset from the property line (approximately 266' of fence).
- c. *Alternative compliance shall be limited to the specific project under consideration and shall not establish precedents for approval in other cases.*

Response: This alternative compliance request is limited to this specific project. The approval of the alternative compliance requested in this case will not establish a precedent for any other project.

### **REQUESTED ALTERNATIVE COMPLIANCE – PLANTING TREES ON SLOPES GREATER THAN 3:1**

Alternative compliance is requested to the sustainable landscaping requirement regarding planting trees on slopes greater than 3:1 (Section 4.9(b)(7)). There is one tree along the frontage that is proposed to be planted on an existing slope that is greater than 3:1.

### **REQUIRED FINDINGS**

Section 1.3 of the Prince George's County Landscape Manual sets forth the requirements for approval of alternative compliance applications.

- a. *The standards contained in this manual are intended to encourage development that is economically viable and environmentally sound. The standards are not intended to be arbitrary or to inhibit creative solutions. Project conditions may justify approval of alternative methods of compliance with the standards. Conditions may arise where normal compliance is impractical or impossible or where maximum achievement of the purposes can only be obtained through alternative compliance. Requests for alternative compliance may be approved for any application when one or more of the following conditions are present:*

1. *Topography, soil, vegetation, or other site conditions are such that full compliance with the requirements is impossible or impractical and improved environmental quality would result from the alternative compliance.*

Response: The existing topography in the area of the new building addition (mainly on Parcels 23 and 24) vary from slopes less than 15%, slopes between 15% and 25%, and slopes greater than 25%. A PG Atlas image showing the steep slopes on the Property (in blue) is provided on Page 2 of this Statement of Justification.

2. *Space limitations, unusually shaped lots, prevailing practices in the surrounding neighborhood, in-fill sites, or improvements and redevelopment in older communities support alternative compliance.*

Response: The Property is unique and peculiar in shape with its widest portion along its frontage with Powder Mill Road, and its narrowest portion in the rear of the existing facility.

This results in a “hammerhead” shape of the Property with significant environmental features in the rear of the site, and a wider and more developable portion of the site along Powder Mill Road. No other adjacent properties have this unique and peculiar shape. Page 3 shows a PGAtlas image showing this unique shape of the Property (in blue).

3. *Change of use on an existing site increases the buffer required by Section 4.7, Buffering Incompatible Uses, more than it is feasible to provide.*

Response: This request is not based on a change of use.

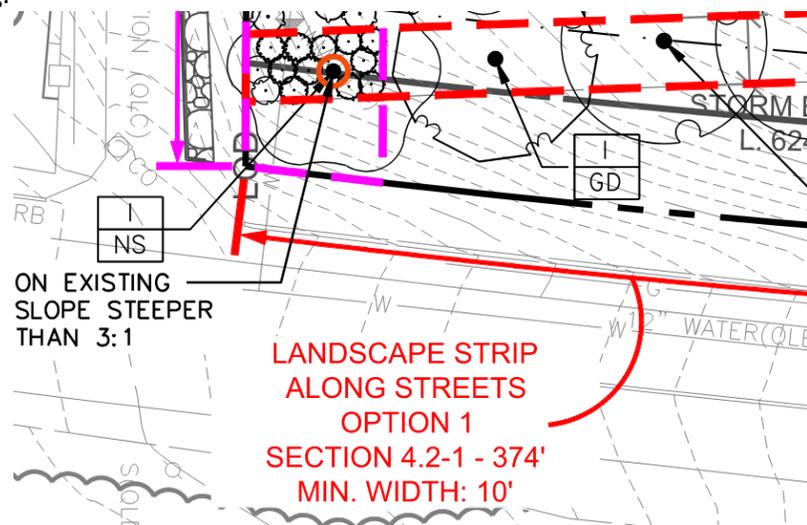
4. *Safety considerations make alternative compliance necessary.*

Response: This request is not based on a safety consideration.

- b. *A proposed alternative compliance measure must be equally effective as normal compliance in terms of quality, durability, hardiness, and ability to fulfill the design criteria in SECTION 3, Landscape Elements and Design Criteria.*

Response: The alternative compliance requested provides the same planting quantities as required for the areas per the Landscape Manual; however, due to existing easements on site, some planting requirements were pushed outside of the normal areas where planting would occur. As such, the trees proposed to meet the Landscape Manual requirements are sometimes located on slopes steeper than 3:1. Since the existing topography on site is quite steep in some areas (as outlined above), avoiding these areas of steep slopes would cause the Applicant to not meet the requirements set forth in the landscape manual.

The one tree that is proposed on a slope steeper than 3:1 is located along Powder Mill Road at the corner of the property. Below is a screenshot of the planting plan showing the tree in question. We are providing a detail showing how this tree should be planted on the slope and have researched the plant species and have found no information stating it is unsuited for a steep slope planting.



- c. *Alternative compliance shall be limited to the specific project under consideration and shall not establish precedents for approval in other cases.*

Response: This alternative compliance request is limited to this specific project. The approval of the alternative compliance requested in this case will not establish a precedent for any other project.

## CONCLUSION

For the building setback requirement per Section 4.7 Buffering Incompatible Uses, the proposed planting exceeds the required planting requirements as laid out in the Section despite the credit for existing forest between incompatible uses. The buffer plantings will provide a significant, aesthetically pleasing buffer that provides a variety of sizes, colors, and textures throughout the year and a six foot height fence is also being added in areas where the existing and proposed buildings encroach upon the 30' building offset from the property line. The decreased building offset is mitigated with the buffer planting and fence addition, it fulfills the design criteria of Section 3, and meets the intent of Section 4.7 Buffering Incompatible Uses.

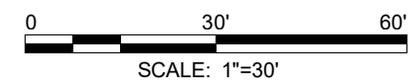
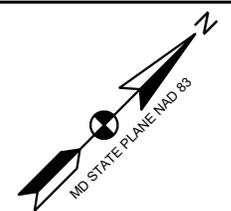
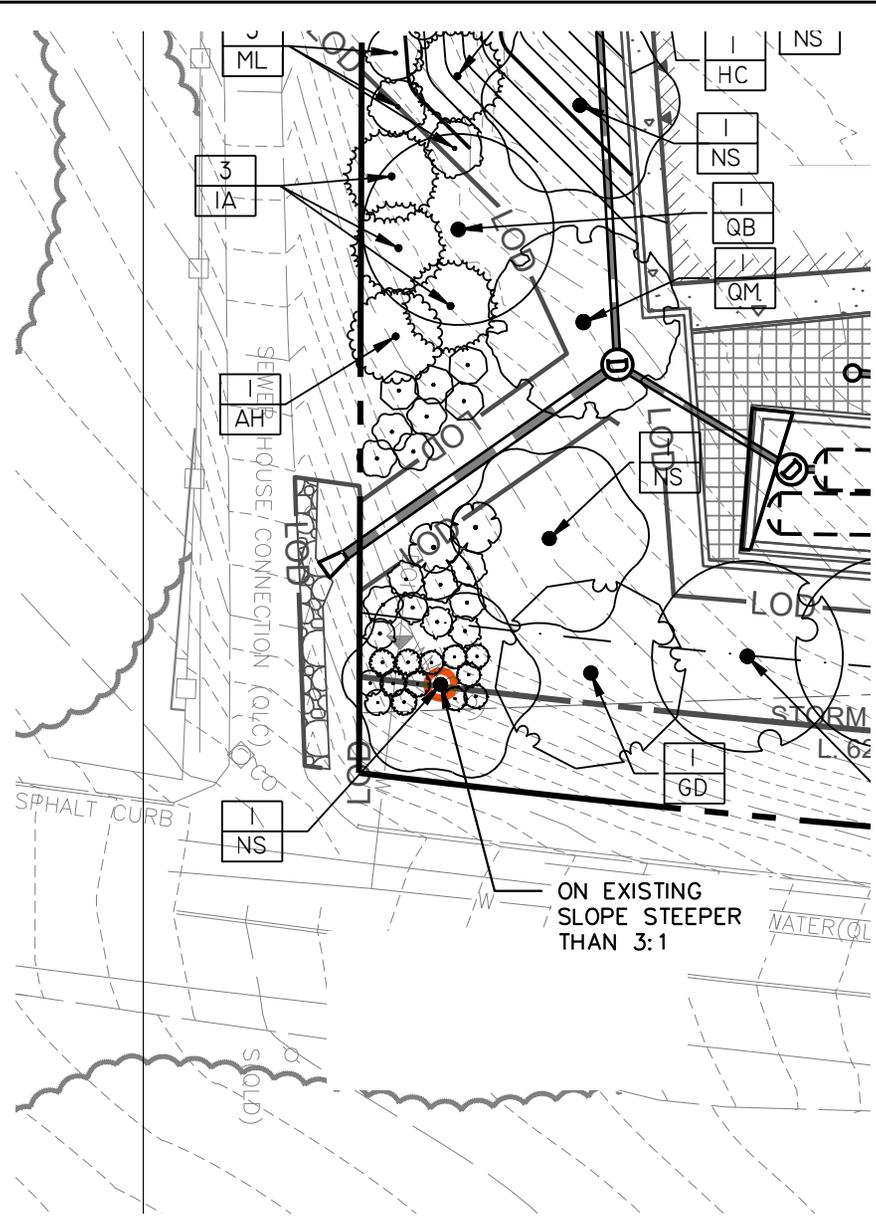
For the above reasons, the applicant respectfully requests that the Development Review Division APPROVE its request for alternative compliance from Section 4.7 Buffering Incompatible Uses of the *2010 Prince George's County Landscape Manual*, and thereby, GRANTS permission to proceed with a decreased bufferyard in order to allow construction of this project.

The proposed tree planting in some areas is on slopes that exceed 3:1 as set forth in Section 4.9. The tree plantings will provide a significant, aesthetically pleasing buffer that provides a variety of sizes, colors, and textures throughout the year while also increasing the canopy coverage on the site. The placement of the trees was forced away from areas where they would normally go in order to not impede existing easements and therefore were placed in areas where steep slopes occur. The tree planting fulfills the design criteria of Section 3 and meets the intent of Section 4.9 Sustainable Landscaping Requirements.

For the above reasons, the applicant respectfully requests that the Development Review Division APPROVE its request for alternative compliance from Section 4.9 Sustainable Landscaping Requirements of the *2010 Prince George's County Landscape Manual*, and thereby, GRANTS permission to proceed with tree planting on slopes that exceed 3:1 in order to allow construction of this project.







**EXHIBIT 3: 4.7-1-A AND 4.9-1 ALTERNATIVE COMPLIANCE EXHIBIT**

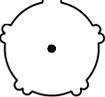
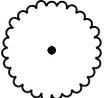
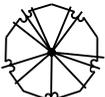
AC-25008

STERLING CARE HILLHAVEN  
April 2025



*03 of 06* A. Morton Thomas and Associates, Inc.  
700 King Farm Boulevard, Suite 300, Rockville, MD 20850  
Tel: 301.881.2545 Fax: 301.881.0814

# PLANT SCHEDULE 4.7-1-A BUFFERING INCOMPATIBLE USE REQUIREMENTS

<u>SYMBOL</u>	<u>CODE</u>	<u>QTY</u>	<u>BOTANICAL / COMMON NAME</u>	<u>CONT</u>	<u>CAL</u>	<u>SIZE</u>
<u>EVERGREEN TREES</u>						
	IA	17	ILEX OPACA / AMERICAN HOLLY	B & B		8'-10' H
	ML	14	MAGNOLIA GRANDIFLORA 'LITTLE GEM' / LITTLE GEM DWARF SOUTHERN MAGNOLIA	B & B		14'-16' H
<u>ORNAMENTAL TREES</u>						
	AH	1	AMELANCHIER CANADENSIS / CANADIAN SERVICEBERRY	B & B	2" CAL	
	CC	4	CERCIS CANADENSIS / EASTERN REDBUD	B & B	2" CAL	
	CA3	1	CORNUS FLORIDA 'APPALACHIAN SPRING' / DOGWOOD	B & B	2" CAL	
	HC	3	HALESIA CAROLINA / SILVERBELL	B & B	2" CAL	

## EXHIBIT 4: 4.7-1-A ALTERNATIVE COMPLIANCE EXHIBIT

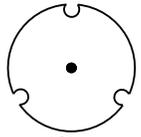
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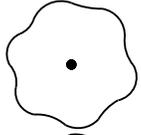
A. Morton Thomas and Associates, Inc.  
700 King Farm Boulevard, Suite 300, Rockville, MD 20850  
Tel: 301.881.2545 Fax: 301.881.0814

SHADE TREES



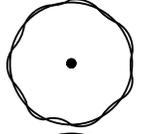
CO 1 CELTIS OCCIDENTALIS / COMMON HACKBERRY

B & B 2" CAL



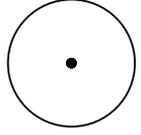
NS 3 NYSSA SYLVATICA / BLACK GUM

B & B 2" CAL



QA 1 QUERCUS ALBA / WHITE OAK

B & B 2" CAL



QB 2 QUERCUS BICOLOR / SWAMP WHITE OAK

B & B 2" CAL

<u>SYMBOL</u>	<u>CODE</u>	<u>QTY</u>	<u>BOTANICAL / COMMON NAME</u>	<u>CONT</u>
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SHRUBS



AM 4 ARONIA MELANOCARPA / BLACK CHOKEBERRY

3 GAL



AM2 7 ARONIA MELANOCARPA 'IROQUOIS BEAUTY' / 'IROQUOIS BEAUTY' BLACK CHOKEBERRY

5 GAL



CA2 10 CALLICARPA AMERICANA / AMERICAN BEAUTYBERRY

3 GAL



CS2 6 CALYCANTHUS FLORIDUS / SWEETSHRUB

3 GAL



CA 14 CLETHRA ALNIFOLIA / SUMMERSWEET

5 GAL



CH 21 CLETHRA ALNIFOLIA 'HUMMINGBIRD' / SUMMERSWEET

5 GAL

EXHIBIT 5: 4.7-1-A ALTERNATIVE COMPLIANCE EXHIBIT

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	HV	12	HAMAMELIS VIRGINIANA / COMMON WITCH HAZEL	5 GAL
	HR	14	HYDRANGEA QUERCIFOLIA `RUBY SLIPPERS` / RUBY SLIPPERS HYDRANGEA	5 GAL
	HO	9	HYDRANGEA QUERCIFOLIA `SNOW QUEEN` / `SNOW QUEEN` OAKLEAF HYDRANGEA	5 GAL
	IM	64	ITEA VIRGINICA 'MERLOT' / MERLOT SWEETSPIRE	5 GAL
	PN	10	PHYSOCARPUS OPULIFOLIUS / NINEBARK	5 GAL
	SC	6	SAMBUCUS CANADENSIS / ELDERBERRY	5 GAL
	VM	16	VIBURNUM DENTATUM 'BLUE MUFFIN' / BLUE MUFFIN ARROWWOOD VIBURNUM	5 GAL

**EXHIBIT 6: 4.7-1-A ALTERNATIVE COMPLIANCE EXHIBIT**

AC-25008

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