

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND
OFFICE OF THE ZONING HEARING EXAMINER**

**SPECIAL EXCEPTION
4838
and
ALTERNATIVE COMPLIANCE
21008**

DECISION

Application: Apartment Housing for the Elderly or Physically Handicapped
Applicant: CHI, Inc. (The Grove at Glenarden)
Opposition: None
Hearing Date: June 30, 2021
Hearing Examiner: Joyce B. Nichols
Disposition: Approval with Conditions

NATURE OF PROCEEDINGS

- (1) Special Exception 4838 is a request for permission to use approximately 6.4 (Subject Property) acres of R-E (Residential Estate) Zoned land located in the northeast quadrant of the intersection of Watkins Park Road and Oak Grove Road, Largo, Maryland, as Apartment Housing for the Elderly or Physically Handicapped. The Applicant proposes 164 apartment units for the elderly or physically handicapped.
- (2) The Technical Staff recommended approval with conditions. (Exhibit 26) The Planning Board chose not to review the Application and adopted the Technical Staff's recommendation as its own.
- (3) AC-21008, recommended for approval by the Planning Director, is also requested. (Exhibits 29 and 30)
- (4) No one appeared in opposition to the Application and the record was closed at the conclusion of the evidentiary hearing.

FINDINGS OF FACT

Subject Property

- (1) The Subject Property is unimproved.
- (2) The Subject Property is a leased parcel of a larger 159.61-acre tract which is developed with an existing religious campus.

(3) The entire property is known as Parcel 1 of the First Baptist Church of Glenarden, recorded in Plat Book ME 253 page 38 in December 2019. The property is in the Residential Estate (R-E) Zone and is subject to the 2006 Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B (Bowie and Vicinity Master Plan and SMA). SE-4838 proposes to construct a 164-unit senior housing apartment building on a portion of the overall 159.61-acre parcel located near the southwest corner of the s property. The Special Exception Application has been filed on this 6.4 acre portion of the property only, rather than on the whole of Parcel 1.

(4) Parcel 1 is subject to Preliminary Plan of Subdivision (PPS) 4-13010, which was approved on September 14, 2017. This PPS consolidated two parcels, known as Parcel A and Parcel 4, into the existing Parcel 1 (Parcel B) for development with a total of 612,890 square feet of institutional use. The PPS did not approve any residential development. Therefore, the proposed senior housing represents a substantial revision to the mix of uses on the property, which will affect Subtitle 24 adequacy findings. A new PPS is required for approval of the 164 residential units. PPS 4-20183 has been submitted for the Subject Property and is currently undergoing pre-acceptance review. The new PPS will supersede 4-13010; however, it may contain similar findings and conditions of approval. A new final plat will also be required, following approval of the new PPS.

(5) The general neighborhood is bounded to the north by MD 214 (Central Avenue), to the east by Church Road, to the west by Watkins Park Road, and to the south by MD 202 (Largo Road). The neighborhood includes residential institutional uses, as well as undeveloped land. The immediate uses surrounding the subject property are as follows:

- North -** Single-family detached residential neighborhoods of Kettering development, in the R-80 (One-Family Detached Residential) Zone.
- East -** Single-family detached residential neighborhoods of Sierra Meadows and Oak Creek Club developments, in the R-E and R-L (Residential Low Development) Zones, respectively.
- South -** Single-family detached residential neighborhoods of Perrywood and Perrywood Manor, in the Residential Suburban Development and Rural Residential Zones, respectively.
- West -** Beyond Watkins Park Road is Watkins Regional Park/Old Maryland Farm, and the Perrywood Elementary School, in the Reserved Open Space Zone.

Master Plan/Sectional Map Amendment

(6) The Subject Property, and the larger tract within which it is located, are zoned R-E. The Bowie and Vicinity Master Plan, approved in 2006, which amended the 1991 Approved Master

Plan and Sectional Map Amendment (SMA) for Bowie-Collington-Mitchellville and Vicinity, retained the existing R-E ongoing designation for the instant property.

Applicants Proposal

(7) The Senior Housing Apartment Facility use is proposed to accommodate 164 age-restricted dwelling units, including eighty-three (83) 1-bedroom units and eighty-one (81) 2-bedroom units provided to residents 55 and over in conformance with Federal Fair Housing Act. The segregation of the bedroom units between the four-floor residential structure is seventeen (17) 1-bedroom units and twenty-one (21) 2-bedroom units on the first (1st) floor, and twenty-two (22) 1-bedroom units and twenty (20) 2-bedroom units on the second (2nd), third (3rd), and fourth (4th) floors.

The senior apartment use proposed in this Application is an addition to an existing religious campus which was approved for total density of 612,890 gross square feet with a planned build-out by the year 2027.

Zone	R-E
Use(s)	Apartment-Housing for the Elderly
Gross Tract Area	10.7544 acres
Floodplain Area	0 acres (within SE Area)
Street Dedications	0 sq. ft.
Net Tract Area Acreage	6.3998 acres
Building Size (GFA)	168,232 sq. ft.
Dwelling Units	164 dwelling units
Residential Density	25.6 d.u per acre
Commercial Gross Floor Area	N/A – None Proposed

APPLICABLE LAW

(1) Apartment Housing for the Elderly or Physically Handicapped is permitted in the R-E Zone by grant of a Special Exception pursuant to Sections 27-317 and 27-337 of the Zoning Ordinance.

(2) Section 27-317 provides as follows:

(a) A Special Exception may be approved if:

- (1) The proposed use and site plan are in harmony with the purpose of this Subtitle;
- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;
- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;

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

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

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

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

(3) Section 27-337 provides, in pertinent part, as follows:

(b) Apartment housing and related facilities for elderly or physically handicapped families may be permitted within a building other than a surplus public school building, subject to the following:

(1) The owner of the property shall record among the Land Records of Prince George's County a Declaration of Covenants which establishes that the premises will be solely occupied by elderly or handicapped families for a fixed term of not less than twenty (20) years. The covenants shall run to the benefit of the Maryland-National Capital Park and Planning Commission;

* * * *

(5) In the R-E Zone, the requirements of paragraphs (1), (2), (3), and (4) of Subsection (a), above, shall be met provided that the subject property is composed of at least fifteen (15) gross contiguous acres of land, improved with a structure used as a church with an enclosed building area of at least 150,000 gross square feet. The following additional requirements shall apply:

(A) A description of the physical appearance of the proposed building through the use of architectural façade elevations visible from public areas, or through other illustrative drawings, photographs, or renderings, shall be submitted and reviewed;

(B) Development of uses pursuant to this Subsection shall not be subject to a separate site approval in accordance with Part 3, Division 9 of this Subtitle. Instead, the site plan for such proposed development shall be reviewed as part of the special exception application approval; and

(C) The District Council shall find that the proposed use:

(i) Will serve the needs of elderly families or physically handicapped families; and

(ii) Will not adversely affect the character of the surrounding residential community. In making such finding, the District Council shall consider lot size, building height, lot coverage of all buildings on the property, setbacks from surrounding properties, street frontage, and sufficiency of green area when determining the proposed development's effect on the surrounding communities.

(c) For the purposes of this Section, the term "elderly or physically handicapped family" means a family in which the head of the family, or his dependent, is at least sixty-two (62) years of age or is physically handicapped. A person shall be considered physically handicapped if he has a physical impairment which:

(1) Is expected to be of continued and indefinite duration;

(2) Substantially impedes the ability to live independently; and

(3) Is of a nature that the ability could be improved by more suitable housing conditions.

(4) The Court of Appeals provided the standard to be applied in the review of a Special Exception Application in Schultz v. Pritts, 291 Md 1, 432 A2d 1319, 1325 (1981):

Whereas, the Applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the [administrative body] that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. . . . But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an Application for a special exception use is arbitrary, capricious, and illegal.

The record in this case reveals “no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan”. It would, therefore, be proper to grant the request once the conditions addressed below are satisfied.

CONCLUSIONS OF LAW

General Requirements

(1) §27-317(a) requires that the proposed Use and Site Plan be in harmony with the general Purposes of the Zoning Ordinance, §27-102, and with the specific purposes of the R-E Zone, §27-427(a)(1).

(2) The general Purposes of the Zoning Ordinance are listed in §27-102(a). The instant Application is in harmony with the general Purposes of the Zoning Ordinance as follows:

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

The proposed Senior Apartments provides alternative housing and personal care opportunities for a broad spectrum of elderly and handicapped residents not otherwise readily available. The Senior Apartments meet all of the applicable requirements of state and county ordinances. In so doing, the facility will help promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County by providing safe and modern living and care facilities for its residents. Moreover, the facility may provide increased employment opportunities for a range of service and professional employees.

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

The subject Application is in conformance with the recommendation of both the Plan Prince George's 2035 Approved General Plan (Prince George's 2035 General Plan), and the approved 2006 Approved Plan Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B and 74B. The Subject Property is in the Developing Tier, which was carried over from the Approved 2002 Prince George's County General Plan. Although the Bowie and Vicinity Master Plan amended the General Plan Tier and Center boundaries, the Subject Property has remained in the Developing Tier since the publication of the 2002 General Plan. Under this Plan, the vision for the Developing Tier was to maintain a pattern of low-to moderate-density suburban residential communities, district commercial centers, and employment areas that are increasingly transit serviceable. The proposed development will be designed in accordance with the low-medium density residential character of the surrounding area and the Developing Tier in general.

The Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B was enacted on February 7, 2006. The Master Plan does not contain any land use recommendations for the subject site. However, further development of the religious campus with the proposed uses is in harmony with the goals of the Developing Tier as stated on page 9 of the Master Plan. The proposed development will complement the goals of the Developing Tier to:

- Achieve of high-quality development.
- Maintain low-moderate density land uses.
- Sustain existing suburban residential neighborhoods.
- Preserve and enhance environmentally sensitive areas

Senior Apartments for elderly or physically handicapped residents will complement and support the needs of the existing community. The proposed Senior Apartments provide families in the area with conveniently available affordable alternative care for family members that are safe and secure and easily accessible during what may be a difficult challenge in their daily lives. The character of the neighborhood is rural in nature and is dominated by single-family dwellings. The requested use proposes an addition/expansion to the single-family detached structure. The currently proposed site plan illustrates the location of the single-family detached structure and proposed addition/expansion.

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

There are adequate public facilities to serve the Property. The entire site is in Sewer and Water Categories 3 Community System. Approval of Preliminary Plan 4-13010 limited total development to uses that generate no more than 184 AM and 221 PM peak-hour vehicle trips. The site improvements built-out to date comprises approximately 261,000 gross square feet,

which is approximately 43 percent of the 612,690 gross square feet approved for the entire church campus. The adequacy of public facilities and services and related integrity of the community will be conserved as follows:

County's Ten-Year Water and Sewerage Plan:

The 2010 Water Resources Functional Master Plan amends the 2002 General Plan and provides growth guidance expressed as goals, policies, and strategies to address water quality impacts associated with land use in the County. The Plan references the Ten-year Water and Sewer Plan and specifically addresses: Drinking Water Supply, Water Treatment, and Stormwater Management.

The Adopted 2018 Water and Sewer Plan Ten-Year Plan for Water Supply and Sewerage Systems require only that: "Proposed development shall be analyzed for consistency with The General Plan, master/sector plans and functional master plans as defined by Article 28 of the Maryland Annotated Code."

The Subject Property's location within water and sewer categories W-3 and S-3 and the proposed development are planned to tie into the public water and sewer system is in compliance with the Adopted 2018 Water and Sewer Plan. The proposed Assisted Living Facility is consistent with the applicable recommendations in the 2006 Approved Bowie and Vicinity Master Plan and Sectional Map Amendment, as demonstrated above.

Woodland Conservation Ordinance:

The proposed SE-4838 Site Plan is designed in accordance with the approved and implemented Type 1 and 2 Tree Conservation Plan (TCP1-006-02) and (TCP2-094-02). The proposed TCP1 does not propose the clearing of any additional woodlands. The s First Baptist Church of Glenarden campus/site meets the 25 percent woodland conservation threshold by the preservation of 31.08 acres of woodland and the reforestation of 16.16 acres.

2008 Public Safety Facilities Master Plan:

A review of the Approved March 2008 Public Safety Facilities Master Plan reveals that the proposed site is within the northern – central portion of Police District II. The subject site has sufficient access to public facilities. The site is served by Prince George's County Police Department District II Bowie Station at 601 Crain Highway. Fire and rescue services are provided by Kentland Fire Station Company 46, located at 10400 Campus Way South. The Public Safety Plan recommends one new police station in District II (Woodmore - Glen Dale) and three (3) other fire stations within relative proximity of the subject property, which would serve to improve public facility access.

2009 Master Plan of Transportation:

According to the 2009 Master Plan of Transportation, the site is adjacent to the master-planned roadways, Watkins Park Drive (Maryland Route 193), and Oak Grove Road. In the 2009 Master Plan of Transportation, the segment of MD 193 along the frontage of the subject property is classified as arterial road A-27 with a 120–200-foot right of way. The segment of Oak Grove Road along the subject property is classified as Major Collector MC-600 with a right-of-way of 100 feet. Oak Grove Road is also classified as a scenic or historic road and is adequately buffered in accordance with Landscape Manual requirements.

Adequate right-of-way consistent with master plan recommendations is currently in place along the Watkins Park Drive roadway section. The Applicant submitted an illustrative site plan showing the location of proposed buildings, parking areas, and driveways. Access, parking, and circulation patterns will be reviewed in accordance with sections 24-122 through 24-124 of the Subdivision Ordinance.

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

The proposal recognizes the existing need for alternative housing options for segments of the population and for serving the care needs of adults. In addition, the proposal will create additional employment opportunities for construction and human services workers. An estimated four (4) employees will work full and part-time at the facility upon completion. A total of 164 dwelling units are proposed as a part of this Application. All units are proposed for rental and will provide a unique housing opportunity for a segment of the elderly population in Prince George's County that either cannot afford to or prefer not to own a home. The proposal recognizes the existing need for alternative housing options for segments of the population and for serving the care needs of adults.

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

The Special Exception request will not diminish the provision of adequate light, air, and privacy as can be readily discerned from the building location and design. All living quarters are in one structure, and all living quarters will have windows with views to the outdoors.

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

This proposal is consistent with the vision, policies, and strategies contained within the 2002 Prince George's County Approved General Plan and the Plan Prince George's 2035 Approved General Plan (Plan Prince George's 2035). The Subject Property is in the Developing Tier of the 2002 General Plan. The vision for the Developing Tier was to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and

employment areas that are increasingly transit serviceable. Much of the Developing Tier did not meet the goals for growth envisioned by the 2002 Plan, and the Plan Prince George's 2035 Plan established a growth boundary within which development would be encouraged. The Plan Prince George's 2035 designates the property within an established community within the Growth Boundary. The Plan describes established communities as most appropriate for context-sensitive infill and low- to medium-density development. As demonstrated by the proposed Site Plan, proposed uses and development provide a beneficial relationship between adjacent and adjoining residential and open space uses. The proposed development will be designed in accordance with the low-medium density residential character of the surrounding area and the Developing Tier in general.

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

The proposed development will provide for internal fire suppression measures and will be built in accordance with all Building Codes, which will serve to protect the County from fire, flood, panic, and other dangers. The Site Plan demonstrates improved site and roadway access. The proposed development will also enhance the environmental setting of the property in relationship to adjoining properties. The site is served by Prince George's County Police Department District II Bowie Station at 601 Crain Highway. Fire and rescue services are provided by Kentland Fire Station Company 46, located at 10400 Campus Way South. Traffic Impact Statement letter prepared on behalf of the Applicant is included with this application submission.

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

The proposed use is specifically designed and intended to satisfy this Purpose. The single-building design provides for maximization of service efficiencies by consolidating all activity into one building, thus creating a more healthy and managed living environment for residents.

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

The proposed 168,232 square-foot building will provide substantial employment opportunities during construction and continued employment for administrative, human service, and maintenance workers in the facility upon completion.

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

The Apartment Housing for the Elderly, designed to prevent the overcrowding of land.

(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;

According to the 2009 Master Plan of Transportation, the site is adjacent to the master-planned roadways, Watkins Park Drive (Maryland Route 193), and Oak Grove Road. In the 2009 Master Plan of Transportation, the segment of MD 193 along the frontage of the Subject Property is classified as arterial road A-27 with a 120–200-foot right of way. The segment of Oak Grove Road along the Subject Property is classified as Major Collector MC-600 with a right-of-way of 100 feet. Oak Grove Road is also classified as a scenic or historic road and is adequately buffered in accordance with Landscape Manual requirements.

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

The approval of Special Exception SE-4838 affords a unique and excellent opportunity to locate a senior or older adult-oriented “Apartment housing for elderly or physically handicapped families” housing opportunities for a segment of the population that generally seeks and depends upon social and economic stability in their living conditions and interactions. The Grove at Glenarden allows for the residents to maintain a stable living environment and have family members visit with them. The facilities will provide employment for county residents, educational opportunities to allow employees to advance, business opportunities for local businesses, especially minority and disadvantaged businesses.

(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 forest, scenic vistas, and other similar features;

The proposed is an addition to an existing religious campus of 298,765 square feet for church uses including, a children/youth center, administrative offices, chapel, fellowship hall, service building, and solar farm. The configuration of the Subject Property is in harmony with the natural terrain on site. The parcel is compatible with the surrounding large lot residential development as well as the large open space and school across from the property on Watkins Park Drive. It provides a transition from large open space and institutional use to adjacent residential subdivisions. Woodland areas and stream valleys provide a natural separation from denser residential development to the north.

Stormwater Management facilities will provide water quality, channel protection storage, and control of the peak discharge rate from the 1, 10, and 100-Year storm event. The existing nearby pond located on the campus will be landscaped with plants and trees. There are no scenic vistas or similar features proximate to the subject property. There are no wetlands within the area of the Subject Property. A Natural Resources Inventory (NRI-074-06) was approved on June 16, 2015. Stormwater Concept Plan is approved, and the site has an approved Technical Design/Construction Plan.

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

The segment of Oak Grove Road along the Subject Property is classified as Major Collector MC-600 with a right-of-way of 100 feet. Oak Grove Road is also classified as a scenic or historic road and is adequately buffered in accordance with Landscape Manual requirements.

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

The Apartment Housing for Elderly or Physically Handicapped will not eliminate farmland, and will not threaten any of the County's natural resources. §27-317(a)(1),

(3) The instant Application is also in harmony with the specific Purposes of the R-E Zone, §27-427(a)(1)

(A) *To provide for and encourage variation in the 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 large lots and dwellings of various sizes and styles;*

As a permitted use in accordance with §27-441(b)(7) the proposed Apartment Housing for the Elderly or Physically Handicapped use is presumed compatible with the Purposes of the R-E Zone and is in harmony with the low-density residential character of its vicinity.

(C) *To encourage the preservation of trees and open spaces in order to create an estate-like atmosphere; and*

This proposal will encourage the preservation of trees and open spaces with the preservation of existing woodlands, reforestation of trees and planting of new trees as described in the accompanying Tree Conservation Plan (TCP2-094-02).

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

The layout of the proposed senior housing site is planned in a manner that avoids development on slopes greater than 15 percent. Parcels A and 4 are not subject to stream valley flooding. §27-317(a)(1),

(4) Special Exception residential uses such as Apartment Housing for the Elderly or Physically Handicapped are presumed compatible with other residential uses provided the established setbacks, lot coverage, landscaping, minimum acreage, traffic and parking improvements and all other regulations are met.

The proposed use will be in conformance with all of the applicable requirements and regulations of the Zoning Ordinance. In the context of this finding, it is important to recognize that Section 27-337(a)(4) provides that, “*The height, lot coverage, density, frontage, yard, and green area requirements, including restrictions on the location and height of accessory buildings, as specified for the zone in which the use is proposed, shall not apply to uses or structures provided for in this Section. The dimensions, percentages, and density shown on the approved site plan shall constitute the regulations for development under a given Special Exception.*” Other applicable regulations of the Zoning Ordinance affecting the physical development of the property include the regulations applicable in all zones of Zoning Ordinance Part 2, Division 4; the provisions of the Landscape Manual adopted by reference by Part 2, Division 5; those provisions addressing off-street parking in Part 11; and, those provisions addressing signs in Part 12. The subject Special Exception conforms to these requirements and regulations. §27-317(a)(2)

(5) The proposed uses are compatible with and will not substantially impair the integrity of the approved *Plan Prince George's 2035 Approved General Plan* (Prince George’s 2035 General Plan), and the approved 2006 *Approved Plan Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B & 74B*. The subject property is in the Developing Tier, which was carried over from the Approved 2002 Prince George’s County General Plan. Although the Bowie and Vicinity Master Plan amended the General Plan Tier and Center boundaries, the Subject Property has remained in the Developing Tier since the publication of the 2002 General Plan. Under this Plan, the vision for the Developing Tier was to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. The proposed development will be designed in accordance with the low-medium density residential character of the surrounding area and the Developing Tier in general.

The proposal has preserved sensitive environmental features associated with the Primary Management area as required and is consistent with the Green Infrastructure Functional Plan.

There are no public safety deficiencies created by the proposed development. §27-317(a)(3)

(6) The conformance of the subject Application with the principles laid out in the purposes of the Zoning Ordinance, its compliance with the provisions of the Zoning Ordinance, its compliance with the provisions of other State and County regulations for environmental protection represent a high level of protection against adverse effects to the public health, safety and welfare. The proposed uses are specifically intended to enhance the health, safety, and welfare of its elderly and/or handicapped residents. The proposed facility will be professionally managed by trained administrators and human service, and health care professionals experience in caring for the needs of the elderly and/or handicapped population. §27-317(a)(4)

(7) The proposed use will not be detrimental to the uses or development of the adjacent properties or the general neighborhood because of its planned residential character, architectural treatments, and neighborhood service provided by the overall religious campus. §27-317(a)(5)

(8) Tree Conservation Plan Type I (TCP1-045-06) was approved as part of the Preliminary Plan of Subdivision 4-13013. Tree Conservation Plan Type 2 (TCP2-094-02-03 and TCP2-085-07-01) have been previously approved and implemented. Tree Canopy Coverage has been met as described on the Landscape Plan. Natural Resources Inventory (NRI-074-06-04) was approved on June 16, 2015. §27-317(a)(6)

(9) §27-317(a)(7) is not applicable as the proposed Special Exception does not include any regulated environmental or natural features located on or near the Subject Property.

(10) The proposed building will be new construction, it was never used as a public school and therefore §27-337(a) is not applicable.

(11) The requirements of §27-337(b)(1) will be complied with by the Applicant.

(12) The subject property is in the R-E Zone and therefore, §§27-337(b)(2)-(4) are not applicable.

(13) In 2002, Parcel A received approval for 315,000 square feet of development for a worship center and family life center pursuant to the Preliminary Plan of Subdivision 4-02047 and was subsequently platted per Final Plat 5-03021. Since that approval, the site was improved with 205,000 square feet of sanctuary, offices, and other church facilities. The remaining 110,000 square feet of approved GFA was to be devoted to the Family Life Center. The first phase is currently under construction at approximately 56,100 square feet. When completed, the future phase would add approximately 53,900 square feet, for a total of 110,000 square feet. The Family Life Center includes a gymnasium for youth athletics. Preliminary Plan of Subdivision 4-02006 was later filed for the property but was withdrawn.

In the R-E Zone, the requirements of paragraph (1), (2), (3), and (4) of Subsection (a), above, shall be met provided that the Subject Property is composed of at least fifteen (15) gross contiguous acres of land, improved with a structure used as a church with an enclosed building area of at least 150,000 gross square feet. The following additional requirements shall apply:

(A) A description of the physical appearance of the proposed building through the use of architectural facade elevations visible from public areas, or through other illustrative drawings, photographs, or renderings, shall be submitted and reviewed;

As demonstrated by the exhibits and illustrative views submitted by the Applicant, the instant Application, reflects a high standard of architecture, including well-detailed facades treatment, landscaping, and overall site design. The proposed building is designed to face

directly on Oak Grove Road. The proposed design plan utilizes changes in material, color, texture, and roof plane variations as requested to relate to adjacent buildings (See elevations with color-highlighted material variations). The building has a masonry base, cementitious middle, and cornice parapet top at different levels. The facades of the building will provide architectural variety and articulation through the modulation of wall planes, detailing, color, texture, and materials, to ensure that the diverse land uses surrounding the subject property, as well as those located on the First Baptist Church of Glenarden, will blend together harmoniously.

(B) Development of uses pursuant to this Subsection shall not be subject to a separate site plan approval in accordance with Part 3, Division 9 of this Subtitle. Instead, the site plan for such proposed development shall be reviewed as part of the special exception application approval; and

The proposed Application was submitted pursuant to the Zoning Ordinance Section 27-317; Section 27-337 (Apartment housing for elderly or physically handicapped families); and Sections 27-441(b) Table of Uses, also known as Subtitle 27 of the Prince George's County Code. The Senior Apartment use proposed in this Application is an addition to an existing religious campus of 298,765 square feet for church uses including, a children/youth center, administrative offices, chapel, fellowship hall, service building and solar farm.

(C) The District Council shall find that the proposed use:

(i) Will serve the needs of elderly families or physically handicapped families; and

The developer desires and intends to provide housing for older persons, as defined in the Fair Housing Amendments Act of 1988 and the Housing for Older Persons Act of 1995 (hereinafter referred to as the "Acts") and the Federal Rules and Regulations (hereinafter referred to as the "Federal Regulations") as promulgated by the Department of Housing and Urban Development (hereinafter sometimes referred to as "HUD"). It is more specifically the desire and intention of this community to meet the exemption for housing for older persons as is provided for in 24 CFR Part 100, Section 100.304 (hereinafter referred to as the "55 or Over Housing Exemption"). Section 100.304 implements Section 807(b)(2)(c) of the Acts, which exempts housing communities intended and operated for occupancy by at least one (1) person 55 years of age or over per unit that satisfies certain criteria. In this endeavor, the following occupancy restrictions and procedures shall govern. Further, the Association shall do whatever is required by the Acts and Federal Regulations to publish its intention to comply with and adhere to policies and procedures which demonstrate an intent to provide housing for persons 55 years of age or over. The Acts and Federal Regulations, as amended from time to time, are hereby incorporated by reference into this document. Reference to the Acts and to the Federal Regulations in this document shall mean the Acts and the Federal Regulations as they are amended from time to time.

- (ii) ***Will not adversely affect the character of the surrounding residential community. In making such finding, the District Council shall consider lot size, building height, lot coverage of all buildings on the property, setbacks from surrounding properties, street frontage, and sufficiency of green area when determining the proposed development's effect on the surrounding communities.***

This proposal is consistent with the vision, policies and strategies contained within the 2002 Prince George's County Approved General Plan and the Plan Prince George's 2035 Approved General Plan (Plan Prince George's 2035). The subject property in this Application is in the Developing Tier of the 2002 General Plan. The vision for the Developing Tier was to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. Much of the developing tier did not meet the goals for growth envisioned by the 2002 plan, and the Plan Prince George's 2035 Plan established a growth boundary within which growth would be encouraged. The Plan Prince George's 2035 designates the property within an established community within the Growth Boundary. The Plan describes established communities as most appropriate for context-sensitive infill and low- to medium-density development. As demonstrated by the proposed Site Plan, proposed uses and development provide a beneficial relationship between adjacent and adjoining residential and open space uses. The proposed development will be designed in accordance with the low-medium density residential character of the surrounding area and the Developing Tier in general.

The site engineering, landscaping, environmental and architectural plans, and documents submitted pursuant to this Application demonstrate compliance with this and other relevant zoning and design standards for the proposed use. The below table demonstrates the proposed Special Exception SE-4838 plan's compliance with the relevant Zoning Ordinance bulk requirements:

Standard	R-E	Provided
Minimum Net Lot Area	40,000 sf	*468,505 sf (10.7554 ac)
Maximum Lot Coverage	20 % (50% for churches)	196,772 sf (42 %)
Minimum Green Area	60 % of net lot area	271,733 sf (58%)
Minimum Lot Width		
At Front Building Line	150 ft.	750 ft. +/-
At Front Street Lin	50 ft.	104.72 ft.
Yards		
Minimum Front	25 ft.	128 ft.
Minimum Side	35 ft. total / 17 ft. each	75 ft. +/-
Minimum Rear	25 ft.	104 ft.
Building Height	35 ft.	Maximum 55 ft.

§27-337(b)(5)

(14) §27-337(c) has been affirmed by the apparent nature of the Application. The 164-unit apartment is specifically designated and designed as an apartment for elderly families. A Declaration of Covenants will be executed at the time of PPS to ensure this use.

Parking Regulations

(15) §27-568(a)(1) of the Zoning Ordinance requires 0.66 parking spaces per dwelling unit for a housing development for the elderly or physically handicapped. A total of 162 parking spaces are provided, which exceeds the minimum requirement of 109 parking spaces for the use by 53 parking spaces. A total of one loading space is required and provided on the site plan.

2010 Prince George's County Landscape Manual Requirements

(16) The Application is subject to the following sections of the Landscape Manual: Section 4.1, Residential Requirements (for multifamily development); Section 4.3, Parking Lot Requirements; Section 4.6, Buffering Development from Streets; and Section 4.9, Sustainable Landscape Requirements.

Section 4.1 of the Landscape Manual requires multifamily dwellings located in the Developing and rural Tiers to plant a minimum of 1 major shade tree per 1,600 square feet or fraction of green area provided. Per Section 4.1(c)(4)(D), up to one-quarter of the number of required shade trees may be substituted on two-to-one basis by the use of ornamental or evergreen trees. The Section 4.1 table included in the landscape plan reflects a total area of 148,757 square feet of provided green space, requiring 149 shade trees. A total of 117 shade trees, 50 ornamental, and 16 evergreen trees are proposed for the site, which is in conformance with requirements of this section.

Section 4.3 of the Landscape Manual requires parking lots that are between 50,000 to 99,999 square feet to provide 10 percent of the interior of the parking lot as planting area. The Section 4.3 schedules included on the landscape plan show interior planting at the rate of 12.26 percent, which is in conformance with the requirement.

Section 4.6 of the Landscape Manual requires special roadways to be buffered from development. Oak Grove Road is a designated historic roadway in the MPOT. Adjacent to an historic road, the Landscape Manual requires a Section 4.6 landscape buffer (Buffering Development from Special Roadways) based on the development tier. The Applicant applied for alternative compliance, requesting an alternative design to conform with the requirements of this section of the Landscape Manual. Per Section 4.6(c)(1)(B), a 50-foot landscape buffer is required along Oak Grove Road, which is classified as a major collector, because the rear yard of the proposed development is oriented toward Oak Grove Road. Alternative compliance was recommended for approval with a condition as detailed at the end of this report. Conformance to this standard shall be established, prior to certification of the Special Exception.

Section 4.9 of the Landscape manual promotes sustainable landscaping as an environmentally sensitive design approach. A percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrub) shall be native species (or cultivars thereof) and shall be identified on a planting schedule on the landscape plan. Any existing trees and/or vegetation retained in fulfillment of the requirements shall not contain invasive species, which must also be reflected in the schedule. Trees proposed in fulfillment of the requirements shall not be planted on slopes steeper than three-to-one. The Special Exception landscape plan shows conformance with this standard.

Tree Canopy Coverage

(17) This Application is subject to the requirements of the Tree Canopy Coverage Ordinance. The subject site is located within the R-E Zone and required to provide 20 percent of the site area in tree canopy coverage (TCC). The 6.4-acre site is required to provide a minimum of 1.28 acres in TCC. The TCC schedule shows that 1.37 acres of TCC is to be provided, exceeding the requirement.

The regulated environmental features on the Subject Property have been preserved and/or restored in a natural state to the fullest extent possible, based the limits of disturbance shown on the TCP2 and the evaluation provided with SE 4838.

Signage

(18) A single monument sign is proposed in the northern corner of the site and is designed in conformance with the applicable requirements of part 12 of the Zoning Ordinance. No building-mounted signage is proposed.

DISPOSITION

Special Exception 4838 is hereby APPROVED subject to the following Conditions:

1. Prior to certificate approval of Special Exception SE-4830, the Applicant shall revise the Special Exception Plan as follows:
 - a. Show on the Plan the Master Plan trail to be constructed along Oak Grove Road, or else provide correspondence from Prince George's County Department of permitting, Inspections and Enforcement, indicating modification of the requirement.
 - b. On Sheet 1, show bearing and distances for the overall property (Parcel 1).
 - c. Revise General Notes to include all development regulations, as specified in §27-337(a)(1) and §27-337(a)(4) of the Prince George's County zoning Ordinance.
 - d. Revise General Note 8 to change the proposed use to be consistent with language of the Zoning Ordinance: "Apartment housing for elderly or handicapped families in a building other than a surplus public school building."
 - e. Provide a note on the Section 4.6 schedule indicating that an alternative compliance has been requested.
 - f. Revise architectural elevation to:
 - (1) Remove the strike-through on drawings on Sheet 602 if they are to be retained.
 - (2) Provide rendered elevations.
 - (3) Update the materials key to specify actual material types and colors selected for building facades.

- (4) Provide full dimensions for the heights and lengths for each façade of the building.
 - g. A minimum 10-foot-wide shared-use path along the subject site frontage of Oak Grove Road, consistent with the design standards from the 2012 AASHTO Guide for the Development of Bicycle Facilities, shall be provided unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement, with written correspondence.
 - h. Standard sidewalk, and associated sidewalks, shall be provided along the entire frontage of the site, along the private access driveway.
 - i. A minimum 5-foot-wide sidewalk connection to the master plan trail along Oak Grove Road shall be provided unless the trail is modified.
 - j. Improve the existing trail around the stormwater pond to be a minimum 8-foot-wide asphalt walking trail.
 - k. Submit an approved Stormwater Concept Plan showing the same layout as the Special Exception Site Plan and Type 2 Tree Conservation Plan.
 - l. Provide a note detailing the density of the site.
 - m. The Applicant shall either provide a minimum 6-foot, sight-tight fence along the property entire frontage of Oak Grove Road or provide a 6-foot-high masonry wall that matches the building for the approximately 200 linear feet of the road frontage where the building is present, in addition to the proposed plantings and bufferyard. The Applicant shall revise both the landscape plan and the Section 4.6 landscape schedule to reflect these changes.
2. Prior to signature approval of the Special Exception, the Type 2 Tree Conservation Plan (TCP2) shall be revised as follows:
 - a. Add a note beneath the TCP2 worksheet explaining the discrepancy in existing woodland values between the approved TCP1-006-02-01 and TCP2-094-02-05.
 - b. Complete the property owner's awareness certificates on each sheet of the TCP2.
 - c. Insert the timing mechanism to be used in the invasive species notes on Sheet 10 of the TCP2.
 3. At the time of preliminary plan of subdivision (PPS);

- a. The Applicant shall provide a Phase I noise study. The 65 dBA Ldn mitigated and unmitigated noise contours shall be shown on the PPS. The Phase I noise study shall determine if any noise mitigation is needed for the interiors of dwellings and for outdoor activity areas. If mitigation measures are needed, the Special Exception shall be revised to include a Phase II noise study, which recommends design details for the mitigation measures. The necessary mitigation measures and related details shall be reflected on the Special Exception Site Plan.
- b. The Applicant shall provide a proposal for mandatory dedication of parkland (dedication of land, fee-in-lieu, private recreational facilities, or a combination thereof). The PPS shall determine if the Special Exception needs to be revised, in order to accurately reflect the proposal.
- c. The owner of the property shall record a Declaration of Covenants among the Prince George's County Land Records, which establishes that the premises will be solely occupied by elderly or handicapped families for a fixed term of not less than 20 years. The covenants shall run to the benefit of the Maryland-Nation Capital Park and Planning Commission.
- d. The general notes on the plans shall indicate how the mandatory dedication of parkland requirement will be addressed, preferable through on-site facilities.
- e. The Applicant shall provide a side path along the frontage of Oak Grove Road.

The Approved Site and Landscape Plan is Exhibit 18.
AC-21008 is Approved.