



**Note:** Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).

## SPECIAL EXCEPTION

SE-4594

Application	General Data
<b>Project Name:</b> Golden Age Adult Day Care Center  <b>Location:</b> West side of Belair Drive directly across from the intersection of Belair Drive and Sedgwick Lane  <b>Applicant/Address:</b> Golden Age Adult Day Care of Bowie c/o Herbert Nelson 3112 Tinder Place Bowie, MD 20715	Date Accepted: 2/5/07
	Planning Board Action Limit: N/A
	Plan Acreage: 5.5723
	Zone: R-55
	Dwelling Units: N/A
	Square Footage: 3,395
	Planning Area: 71B
	Tier: Developing
	Council District: 04
	Municipality: Bowie
	200-Scale Base Map: 208NE13

Purpose of Application	Notice Dates
A request for a Special Exception for an existing adult day care center in the R-55 Zone to operate under private ownership (26 occupants)	Adjoining Property Owners Previous Parties of Record Registered Associations: 11/09/06 (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: N/A

Staff Recommendation		Staff Reviewer: Kendra Wright	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT**

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

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Kendra C. Wright, Senior Planner

SUBJECT: **Special Exception Application No. 4594**

REQUEST: A request for a Special Exception for an existing adult day care center in the R-55 Zone to operate under private ownership

RECOMMENDATION: APPROVAL, with conditions

---

NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. 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.

---

## FINDINGS:

- A. **Location and Field Inspection:** The subject site is located in Planning Area 71B on the west side of Belair Drive directly across from the intersection of Belair Drive and Sedgwick Lane. The entire site consists of Lot 1, known as 3112 Belair Drive, Bowie, Maryland, and Parcel 54, known as 3120 Belair Drive. Both sites amount to 5.723 acres. Lot 1 is improved with a one-story, single-family dwelling that has been converted to an adult day care center. The site is accessed by a single, paved driveway that connects to the adjacent parking lot. Parcel 54 is improved with a one-story education building and a main church building. These building are surrounded by a paved parking lot and accessed by two driveways. The church property accounts for the remaining acreage and is included because the two uses will share parking.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-55	R-55
Use(s)	Church, Education Building, and Adult Day Care	Church, Education Building, and Adult Day Care
Acreage	5.723	5.723
Parcels	54	54
Lots	1	1

- C. **History:** The property is shown on the plat entitled "Tulip Grove at Belair – Section 37" in Plat Book WWW 44, folio 48. The Planning Board approved this final plat of subdivision on June 20, 1962. The application was retained in the R-55 Zone by the *Approved Master Plan and Sectional Map Amendment for Bowie and Vicinity* on January 1, 2006. There has been no zoning activity on the site since the last comprehensive rezoning.

The adult day care use on the property was first established as a permitted use per use and occupancy permit (23525-77-CU). The City of Bowie acquired the property from the adjacent church in 1977. The city then subleased the operation of the day care center to Senior Services Center of Bowie, a non-profit corporation which was the recipient of the grant. The use was determined to be a public use by Associate General Council Thurman Rhodes, and was therefore a permitted use with no special exception being required. The adult day care center is now under private ownership, and therefore it is not a public use and is in need of a special exception to operate.

The adjacent church property is the subject of Special Exception-974 for a day nursery and kindergarten (January 17, 1964) and Detailed Site Plan-89053 (July 13, 1989). It should be noted that recent documentation refers to the day nursery and kindergarten as both a day care center and private school interchangeably. Staff uses the term private school.

- D. **Master Plan Recommendation:** The property is located in the Developing Tier as set forth in the 2002 General Plan Development Pattern policies. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application conforms to the residential land use recommended in the 2006 *Approved Bowie and Vicinity Master Plan* and is designated for public/quasi-public use.

- E. **Request:** The applicant requests a special exception to operate a privately owned Adult Day Care Center in the R-55 Zone that was established as a permitted public use. The proposed use will operate from Monday through Friday during the hours of 8:00 a.m. until 5:00 p.m. and will host 22 enrollees and 4 staff members.
- F. **Neighborhood and Surrounding Uses:** The neighborhood is defined by the following boundaries: North—MD 450; East—White Marsh Park; South—US 50 (John Hanson Highway); West—MD 197 (Collington Road). The neighborhood is comprised of single-family homes built in the mid-1960s by Levitt and Sons, Inc. The subject property is surrounded by single-family homes on all sides.
- G. **Specific Special Exception Requirements:** Pursuant to the use tables in Section 27-441(b) an Adult Day Care Center is permitted in the R-55 Zone by special exception. The application addresses the following specific special exception requirements:

**Sec. 27-332 Adult Day Care Center.**

**(a) An adult day care center may be permitted, subject to the following criteria:**

- (1) The subject property shall be suitable for the type of facility proposed, taking into account the character of the surrounding properties and the general neighborhood, and any other uses on the subject property.**

In a letter dated February 21, 2007, the City of Bowie confirmed its prior ownership and subleasing of the property beginning in 1977. The use operated under Use and Occupancy Permit 23525-77-CU. The city also provided that during the entire time the use existed, there were no neighborhood issues identified with its operation. The city views the operation of the center as a continuation of the previous use and supports the requested special exception, because of the "valuable service" it provided to the community.

There is a "private school" in operation on the church property, as well as regular church activities, which demonstrate that these types of services to the neighborhood and larger community of the City of Bowie are desirable at this location. Since 1977 the center has been operating out of a single-family home built at the same time as the neighborhood. It will continue to operate out of the same building. There are no other uses proposed on the subject property.

- (2) The subject property shall be of sufficient size to accommodate a facility of the scope proposed.**

The subject property is of sufficient size (5.57 acres) to accommodate a facility of the scope proposed. This is evident by the fact that the adult daycare center has operated at this location under public ownership since 1977. Additionally, the immediate application does not include any enlargement or construction.

- (3) **Vehicular access to the subject property shall be adequate, taking into account the scope of the facility, the type and amount of traffic expected to be generated, and the type, service level, and capacity of the streets along which the subject property has frontage; and**

Access to the site is provided through Belair Drive. Belair Drive is a local road. The subject property has 645± feet of frontage along Belair Drive. In a memo dated March 6, 2007, the Transportation Planning staff stated that since the operational characteristics of the facility will remain unchanged, the flow of traffic and its impact on the surrounding transportation network will also remain unchanged. Staff therefore concludes that approval of the subject application will not have an adverse impact on the health, safety, and welfare of the community.

- (4) **A statement shall be submitted explaining:**

**(A) The policies and goals of the center;**

In a letter dated January 12, 2007, the CEO of Golden Age Adult Day Care Center of Bowie, Inc. submitted a letter and Policies and Procedures Manual addressing the requirements for the application. The manual indicated that the center seeks to provide an interactive setting for elderly and disabled citizens. The mission is to provide a high quality medical adult day care program to its participants. The center values the individual worth of each of the participants. The program is designed to help reduce participants' isolation and loneliness, improve cognitive and physical functioning while meeting their medical and social needs in a safe, nurturing and relaxed setting. The vision is to become a model of excellence operating as a medical adult day care center which focuses on enhancing and maintaining the participants overall quality of life. The center currently has a non-handicapped van and has a goal of providing a handicapped bus in the near future.

**(B) The characteristics and number of occupants to be served;**

In a letter dated January 12, 2007, the CEO of Golden Age Adult Day Care Center of Bowie, Inc. submitted a letter and Policies and Procedures Manual addressing the requirements for the application. The letter and manual indicated that the hours of operation would be 7:30 a.m. until 6:00 p.m. and that the total number of occupants would be 35 in addition to 6 staff. The church's letter authorizing the joint parking indicated that the hours were to be from 8:00 a.m. until 5:00 p.m. During review, staff noted that the increase in students could potentially increase the traffic generation. After consulting with the applicant's attorney, it is staff's understanding that the number of occupants will not increase. The site plan is currently inconsistent regarding the number of occupants and the hours of operation. In the notes, the number of occupants (including enrollees and employees) needs to be corrected to 26. The applicant shall also submit documentation from the church allowing the hours of operation to extend from 7:00 a.m. until 7:00 p.m. or correct site plan note 4 to 8:00 a.m. until 5:00 p.m.

The center will be closed for holidays and inclement weather. If the center is closed due to inclement weather, a message will be left on the center's voice mail. Also, if the weather conditions change during the day, the center reserves the right to close early for safety reasons. The families will be notified as early as possible of early closings.

**(C) The type of care and activities proposed;**

All prospective participants will be closely screened by the registered nurse, social worker, and the director to ensure that the needs of the participant can be met by the center. The center serves senior adults ages 55 and older. Younger adults are considered if the program is deemed appropriate for them. The center can provide services for those individuals who are physically and mentally impaired. The center is not able to provide services to individuals that have serious wandering problems; individuals that are bed bound, comatose, combative or a danger to themselves; individuals that need constant one on one supervision; or individuals that exhibit psychotic or disruptive behaviors that require skilled nursing care beyond the limits of the adult day care center.

Participants are expected to attend the center on scheduled days and to be present for at least four hours which includes field trips and medical appointments, which are supervised by the center staff. It is the policy of the facility to assist with access to spiritual and religious activities consistent with the preferences and background of the participant. The activities program provides opportunities for activities that require group interaction and daily living skills including grooming, personal hygiene, social skills, cooking, simple homemaking tasks, physical activities including games, sports, and exercise, leisure, and educational projects.

**(D) The operating methods and procedures;**

Policies and procedures mentioned in the attached manual include financial records documentation, a preadmission assessment including a written history and physical, the staffing pattern, nutrition, relocation procedures, a Participant Elopement Response Plan for missing patients, Fire Safety procedures, an Emergency Disaster Plan, and plans for evacuation. The center also provides all the required services and some of the special services established by State law. These services include peri-care after toileting, obtaining monthly weights, observing behaviors and reactions, diet modifications, rehabilitative services, and medical health services.

**(E) The type and amount of traffic expected to be generated; and**

The index of the manual indicates a page with information on transportation; however that page was not included in the applicant's package. The statement of justification provides that there will be no changes in the number of employees or enrollees at the proposed adult day care center. As such, there will also be no additional trips generated

to and from the site. Access to the site is provided through Belair Drive. Belair Drive is a local road. In a memo dated March 6, 2007, the Transportation Planning staff offered that since the operational characteristics of the facility will remain unchanged, the flow of traffic and its impact on the surrounding transportation network will also remain unchanged.

**(F) Any other appropriate aspects of the center's operation.**

The details of the center's operation provided by the applicant have been discussed in the sections above.

- H. **Parking Regulations:** Pursuant to Section 27-568(a)(1)(A), the parking requirements for an adult daycare center call for one space for every three occupants (including operators). Therefore, the total amount of parking spaces generated is nine spaces. The adjacent church needs one space for every four seats. Therefore, the total amount of parking spaces generated is 98 spaces. The private school necessitates one space for every six students. Therefore, the total amount of parking spaces generated is 13 spaces.

The site has an easement on the adjacent church property for off-street parking as shown on the site plan. The properties share parking on the church property; however, the hours of operation of the uses are strategically set to prevent parking conflicts. The church and school uses are not concurrent with the hours of the adult daycare center. In a letter dated December 8, 1987, the clerk of the Christian Community Presbyterian Church authorized approval of as many parking spaces as needed during the center's normal hours of operation (Monday through Friday, from 8:00 a.m. to 5:00 p.m.) with the provision that the center's use would not impact the need for spaces. The center's hours will not conflict with any need for the parking spaces by the church.

The site plan indicates that 110 parking spaces will be provided on the property, exceeding the required total of 22. Pursuant to Section 27-582, the development generates one loading space, and it will be provided. Pursuant to Section 27-566, lots requiring between 101 and 150 parking spaces must provide five parking facilities for the physically handicapped. The applicant proposes to provide six spaces for the physically handicapped. Two spaces will be van accessible.

- I. **Landscape Manual Requirements:** Pursuant to Section 27-328.02, the subject application does not need new landscaping in accordance with the requirements of the *Prince George's County Landscape Manual*, because no construction, enlargement, or extension is proposed. In a memo dated February 12, 2007, the Urban Design section staff provided that no other urban design issues exist for this application.
- J. **Zone Standards:** The proposed use is in the R-55 Zone. The use is allowed by special exception in this zone. No variances are required.
- K. **Sign Regulations:** No signs were reviewed as a part of this application.
- L. **Other Issues:** The staff of the Park Planning and Development Division in the DPR found that the application would have no impact to future or existing parkland. The Historic Preservation section found that the application has no effect on historic resources. In a memo dated March 22, 2007, the Transportation Planning staff provided that there are no trails issues involving the subject site.

M. **Required Findings:**

**Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:**

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

With the recommended conditions of approval, the proposed use and site plan will be in harmony with the purposes of the Zoning Ordinance. The purposes of the Zoning Ordinance seek generally to protect and promote the health, safety, morals, comfort, convenience, and welfare of inhabitants of the county. The proposed adult day care center will not increase the density or development intensity of the subject property. In a letter dated February 21, 2007, the City of Bowie confirmed its prior ownership and subleasing of the property starting in 1977. The use operated under Use and Occupancy Permit 23525-77-CU. The city also provided that during the entire time the use existed, there were no neighborhood issues identified with its operation. The city views the operation of the center as a continuation of the previous use and supports the requested special exception, because of the "valuable service" it provided to the community.

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

The proposed use is in the R-55 Zone. The use is allowed by special exception in this zone. No variances are required. There are other approvals on the adjacent property that stipulate the hours of operation on the site. The approved site plan for Detailed Site Plan 89053 includes the note that the adult day care center and private school are not operating at the same time as the church. Because of this agreement, the parking is in conformance with the requirements. The site plan does reflect general conformance with the Detailed Site Plan. With the recommended conditions of approval, the proposed site plan will be 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 Map Plan, the General Plan.**

The property is located in the Developing Tier as set forth in the 2002 General Plan Development Pattern policies. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application conforms to the residential land use recommended in the 2006 *Approved Bowie and Vicinity Master Plan* and is designated for public/quasi-public use. Therefore, the proposed use will not impair the integrity of the Master Plan or the General Plan.

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

The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area. The center will be located in an existing, modified single-family

residence, which was built in 1965. The site itself is in keeping with the character of the existing neighborhood as it is the same type of structure. In a letter dated February 21, 2007, the City of Bowie confirmed its view that the operation of the center as a continuation of the previous use and supports the requested special exception, because of the "valuable service" it provided to the community.

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

The proposed adult day care center will not increase the density or development intensity of the subject property. In a letter dated February 21, 2007, the City of Bowie confirmed its prior ownership and subleasing of the property starting in 1977. The use operated under Use and Occupancy Permit 23525-77-CU. The City also provided that during the entire time the use existed, there were no neighborhood issues identified with its operation. Therefore, the proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

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

The subject property has an approved letter of exemption dated January 8, 2007. The site is exempt from the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because it is less than 40,000 square feet in size and has no previous TCP approvals.

**CONCLUSION:**

Based on the preceding analysis, it is recommended that SE 4553 be APPROVED, subject to the following conditions:

1. Prior to Zoning Hearing Examiner approval, the applicant shall submit documentation from the church allowing the hours of operation to extend from 7:00 a.m. until 7:00 p.m. If the church does not allow the hours the applicant shall correct the site plan note 4 to 8:00 a.m. until 5:00 p.m.
2. Prior to Zoning Hearing Examiner approval, the applicant shall revise the site plan as follows:
  - a. Correct the number of spaces required in parking tabulation to include the 13 spaces generated by the private school, and correct the number of spaces required to 22.
  - b. Add note in addition to note 10 that states, "The hours of operation of the adult day care center and private school are not concurrent with church uses".
  - c. Correct note 7 to show the number of occupants (including adult clients and staff) will be 26.
  - d. Correct area of proposed day care center to 3,395 square feet.