

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

**SPECIAL EXCEPTION  
4359  
DECISION**

Application:	Adult Day Care Center
Applicant:	Norbrooke Knolls Center, Inc.
Opposition:	None
Hearing Date:	May 3, 2000
Examiner:	Maurene Epps Webb
Disposition:	Approved with Conditions

**NATURE OF PROCEEDINGS**

- (1) Special Exception 4359 is a request for permission to operate an Adult Day Care Center for seventy-five (75) persons on approximately 3.55 acres of R-55 zoned land located on the north side of Norfield Road, approximately 517 feet west of Brooke Road, and identified as 5400 Norfield Road, Capitol Heights, Maryland.
- (2) The Technical Staff recommended approval with conditions, most of which were satisfied in Applicant's amended Site Plan. (Exhibits 16 and 23; T. 3-5) The Planning Board chose not to review the application. (Exhibit 20)
- (3) The Town of Capitol Heights supports the requested use for the subject property. (Exhibit 22) The property is not within the incorporated limits of the Town.
- (4) No one appeared in opposition to the request.
- (5) The hearing record was left open to receive a letter from Liz Whitmore of the Maryland-National Capital Park and Planning Commission and a Revised Site Plan. (Exhibit 23(a)&(c); T. 25) Both were received on May 4, 2000.

**FINDINGS**

**Subject Property**

- (1) The subject property is approximately 3.55 acres of R-55 zoned land. It is part of a larger parcel that totals 5.48 acres in size.
- (2) The subject property is currently improved with a 4,560 square foot single-story building used as a Private Club in accordance with Special Exception 898, which was approved by the District Council in 1963. The Applicant also owns the Private Club and

will continue to use the Private Club during evening and weekend hours.<sup>1</sup> (T. 13) The Applicant proposes to construct a 2,220 square foot single-story addition and use the entire building as an Adult Day Care Center between the hours of 7:30 a.m. and 6:00 p.m. on Monday through Friday. (Exhibit 23(c)) The only area in the building to be used by both Special Exception uses will be the dining area. (Exhibit 5; T. 13 & 14)

(3) The subject property is surrounded by the following land uses, all in the R-55 Zone:

- On the north, by the Private Club and the Brooke Road Park, owned by the Maryland-National Capitol Park and Planning Commission
- On the west, by a ravine and undeveloped single-family lots
- On the east, by one (1) single-family home
- On the south, by Norfield Road, and across Norfield Road, single-family homes

(T. 14 & 15)

(4) The neighborhood is bounded by Brooke Road and Rollins Avenue to the north and east, Marlboro Pike and Walker Mill Road to the south, and Capitol Heights Boulevard to the west. (Exhibits 5 and 16)

(5) Access to the site is provided via Norfield Road, a 40-foot wide public right-of-way that ends at the southeast corner of the subject property. The proposed Special Exception site has 485 feet of frontage along Norfield Road. The entrance to the site is 65 feet wide and splits into two (2) one-way driveways for ingress and egress.

(6) The subject property is exempt from the requirements of the Woodland Conservation and Tree Preservation Ordinance because there will be no disturbance of woodland. (Attachment to Exhibit 5)

(7) The 1985 Master Plan for Suitland-District Heights and Vicinity recommends the site for medium-suburban density of 3.6 to 5.7 dwelling units per acre. The 1986 Sectional Map Amendment retained the R-55 zoning for the property.

### **Applicant's Proposal**

(8) The Applicant wishes to construct a 2,200 square foot addition to the existing 4,560 square foot building and use the entire facility as an Adult Day Care Center. The

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If the instant application is approved, the Site Plan for Special Exception 898 must be revised pursuant to Section 27-323 of the Prince George's County Zoning Ordinance, or be subject to revocation proceedings pursuant to Section 27-328 of the Zoning Ordinance.

dining area, which consists of approximately 3,000 square feet, will also continue to be used by the Private Club. (T. 13, 14)

(9) The Applicant's witness, Dr. Joyce Elmore, is currently affiliated with an Adult Day Care Center in Clinton, Maryland (the "Helping Hands Adult Day Care Center"). She testified that the proposed use will operate under the same policies as the Clinton facility, and those policies were attached to the Statement of Justification. (Exhibit 5; T. 7, 9) In general, the Center's policies will be to offer "social, recreational, and rehabilitative activities during the day to impaired and substantially homebound persons in a structural, protective, and nurturing group setting". (Exhibit 5, Attachment 2) The clientele to be served will all be over the age of eighteen but in need of assistance as a result of physical/mental infirmity or disability. (T. 8) A maximum of 75 persons may be clients of the Center. (T. 9)

(10) It is the Applicant's intent to provide van transportation for most of its clients, resulting in minimal traffic being generated by the use. (Exhibit 16; T. 9)

(11) The Adult Day Care Center will be staffed by 13 employees, to include an on-site administrator, a registered nurse, social workers, and occupational, physical and speech therapists, as needed. (Exhibit 5; T. 9) A physician will be on-call and medical emergencies will be handled by the closest hospital. (Exhibit 5; T. 11)

(12) The Applicant will provide a variety of services to the clients, to include continental breakfasts, field trips to educational, cultural and religious events, and other recreational activities. (T. 8 – 10)

(13) Pursuant to Section 27-568 of the Zoning Ordinance<sup>2</sup>, the Applicant must provide 78 parking spaces. The Applicant's amended Site Plan indicates that 80 spaces are provided. (Exhibit 23(c)) Seven (7) of these are accessible to the disabled.

(14) The Applicant avers that the proposed use will be in conformance with the applicable provisions of the Zoning Ordinance. Its Statement of Justification provides a detailed analysis of the applicable provisions of the Zoning Ordinance and the ways in which the instant application meets those provisions. (Exhibit 5) In particular, it states that the proposed use will promote the health, safety and welfare of inhabitants of the County because it will provide care and activities for individuals who would otherwise be alone; will promote the most beneficial relationship between the uses of land and buildings because the wooded area associated with the Private Club will serve as a buffer; and, will not adversely impact the health, safety or welfare of residents/workers

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<sup>2</sup>

All citations herein shall be to the Prince George's County Zoning Ordinance unless expressly stated otherwise.

in the area because of the generally quiet nature of the proposed use as well as the substantial amount of existing mature trees.

### **Staff Comments**

(15) The Technical Staff analyzed the application under the requisite provisions of the Zoning Ordinance. It noted that very few trips will be generated by the proposed use since transportation vans will be utilized. It also found that the existing woods on site, but not a part of the Special Exception application, would serve as sufficient screening/buffering for the nearest residential uses. Staff concluded that the application, as amended, comports with all applicable requirements of the Zoning Ordinance, does not conflict with the Master Plan and will not adversely affect the health, safety or welfare of residents/workers in the area. (Exhibit 16)

### **Applicable Law**

(16) An Adult Day Care Center is permitted in the R-55 Zone by Special Exception and is subject to the requirements of Sections 27-317 and 27-332.

(17) Section 27-317 requires that the following findings be made prior to the grant of any special exception:

- (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.

(18) Section 27-332, provides as follows:

- (1) The subject property shall be suitable for the type of facility proposed, taking into account the character of surrounding properties and the general neighborhood, and any other uses on the subject property;
- (2) The subject property shall be of sufficient size to accommodate a facility of the scope proposed;
- (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

- (4) A statement shall be submitted explaining:
  - (A) The policies and goals of the center;
  - (B) The characteristics and number of occupants to be served;
  - (C) The type of care and activities proposed;
  - (D) Operating methods and procedures proposed;
  - (E) The type and amount of traffic expected to be generated; and
  - (F) Other appropriate aspects of the center's operation.

(19) It has been predetermined that an Adult Day Care Center in the R-55 Zone is conditionally compatible with uses permitted as of right in that zone. If the Applicant shows that the establishment of the Center on a particular parcel of R-55 zoned land meets the criteria for such uses, unless the particular use is in some way unique from Special Exception uses of like kind in the same zone, it should not be denied. See, Schultz v. Pritts, 291 Md 1, 432 A2d 1319 (1981); Moseman v. County Council of Prince George's County, 99 Md App 258, 636 A2d 499 (1994)

## CONCLUSIONS

(1) The general purposes of the Zoning Ordinance are listed in Section 27-102. The purposes furthered by the instant application are the promotion of the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County and the insurance of the social and economic stability of all facets of the County.

(2) The subject property is suitable for the proposed development and of sufficient size to accommodate 75 clients. The revised Site Plan meets the requirements of Section 27-317 and the requirements of Section 27-332, once the conditions set forth below are satisfied, since the use is in conformance with the Master Plan, does not adversely impact the surrounding properties, nor residents and workers in the area.

(3) The other Special Exception operating on site will not adversely affect any persons using the Adult Day Care Center, and vice versa, so long as the two (2) uses do not operate simultaneously. However, the Site Plan for Special Exception 898 must be amended to reflect the instant use as well as the proposed addition to the existing structure. This amendment should be filed prior to the issuance of any permits for the instant application since the wooded area that surrounds the Private Club serves as a buffer to screen the Adult Day Care Center from adjacent properties and there is no way to ensure that the wooded area will remain because it is not included in this application.

(4) The Applicant has provided all the parking mandated by the Zoning Ordinance for the Adult Day Care Center, and vehicular access to the site is adequate given the size of the Center, the operating level of service of the adjacent streets and the Applicant's intent to provide van transportation for much of its clientele.

(5) A statement has been entered into the record of this case that adequately explains the policies and goals of the Center, types and number of occupants to be served, types of care and activity offered, traffic to be generated, operating methods and procedures.

### **DISPOSITION**

Special Exception 4359 is Approved with the following conditions:

1. The hours of operation for the Adult Day Care Center shall be from 7:30 a.m. to 6:00 p.m., Monday through Friday.
2. The Adult Day Care Center shall not be in operation at the same time as the Private Club, and a note to this effect shall be added to the Special Exception Site Plan.
3. The Adult Day Care Center shall not serve more than 75 clients at one time.
4. No permits for the Adult Day Care Center shall be issued until the Applicant files a request to amend Special Exception 898 (Private Club).
5. The Applicant has incorporated the Statement of Policies and Procedures used by the Helping Hands Adult Day Care Center. There should be a separate statement in the file referencing the instant application. Accordingly, the Applicant shall submit a separate statement for the Adult Day Care Center that specifically references the Center to be operated on the subject property, for inclusion in the record of the instant application. The statement shall be submitted prior to the issuance of any permits for the Adult Day Care Center.

The Special Exception Site Plan and Landscape Plan is Exhibit 23(c).