

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed a Special Exception request for an Assisted Living Facility and Adult Care in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on March 30, 2006, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The property is located on the west side of Largo Road (MD 202) approximately 60 feet south of Water Fowl Way. The property is heavily wooded and is currently developed with a single-family home in the front third of the property with some small outbuildings to the rear of the home. One of these outbuildings is in a deteriorated condition. The property is an elongated rectangular parcel and is accessed directly from Largo Road.

B. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	R-R	R-R
Use(s)	Single-family home	Assisted living facility with 55 units (110 residents) Adult day care center for 120 occupants
Acreage	3.86 acres	3.86 acres
Square Footage/GFA	2,195 sq. ft.	40,119 sq. ft.

**Other Development Data**

The area of the various uses within the proposed 40,119 square feet consists of the following: adult day care (7,485 square feet), assisted living facility (26,719 square feet), and shared space consisting of activity rooms, dining rooms, living/community room areas, and kitchen facilities (5,915 square feet).

C. **History:** The 1994 sectional map amendment for the Subregion VI Study Area retained the subject property in the R-R (Rural-Residential) Zone.

D. **Master Plan Recommendation:** The 1993 Subregion VI Study Area master plan identified this site as part of a rural residential area in the Marlboro community and recommended low-suburban residential development at up to 2.6 dwelling units per acre for this property. This special exception application for an assisted living facility and adult day care center at this location is not inconsistent with the land use recommendations or policies for this rural residential area within the Marlboro community.

- E. **Request:** The applicant requests approval of a special exception for an assisted living facility with 110 residents and an adult day care center for 120 occupants, of which 50 percent (60 occupants) will come from the on-site assisted living facility population. The proposed facility will consist of a one-story, 40,000-square-foot building, and 64 parking spaces. A woodland preservation area and stormwater pond are located at the rear of the property. A five-foot-wide walk has been added to the woodland preservation area to provide a passive recreation amenity for future residents.

Both uses are permitted in the R-R Zone subject to obtaining special exception approval. In addition, assisted living facilities are allowed to have a maximum of 75 dwelling units “only if adjoining and operated by the same organization as an adult day care use.”

A total of 86 parking spaces and 1 loading space are required for these uses and the applicant is providing 64 parking spaces and 1 loading space. A departure from parking and loading standards application has been filed to address the reduction of 22 parking spaces. In addition, since the loading space is located within 40 feet of the residentially zoned property to the south, the applicant is requesting a departure from design standards as stated in Section 27-579(b) that requires a 50-foot setback for the driveway from the residentially zoned property.

- F. **Neighborhood and Surrounding Uses:** The applicant defines the neighborhood as being bounded by MD 193 to the north, MD 725 to the south, MD 301 to the east, and Brown Station Road to the west. The applicant has defined a large neighborhood that extends all the way to the town of Upper Marlboro. In planning, neighborhoods are considered to be units of a larger community and can be defined by streams or natural features as well as major roads. Staff recommends the following neighborhood based on the nearest major roads, streams and major public facilities:

North—MD 202 and White House Road

East—MD 202

South—University of Maryland Experimental Farm and the Western Branch

West—Brown Station Road

The property is surrounded by the following uses:

North—Westin Subdivision, single-family homes, in the R-R Zone

East—Single-family homes in the R-R Zone

South—University of Maryland Experimental Farm in the R-R and R-O-S Zone

West—University of Maryland Experimental Farm in the R-R Zone

The neighborhood includes primarily residential development. It also includes an independent living facility (Largo Landing Fellowship House) and two churches with accompanying school complexes.

**G. Specific Special Exception Requirements:**

Section 27-332 states the following specific requirements for an adult day care center:

- (a)(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, any other uses on the subject property;**

The character of the immediate neighborhood surrounding the site is farming and low-density residential development. The applicant is proposing a one-story building with significant landscaping along the perimeter of the site. The applicant's low-scale development is compatible with the character of the neighborhood. The property is suitable for the type of facility proposed given its location and the site design proposed.

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

The property can adequately accommodate this 40,000-square-foot facility. Although the applicant has requested a departure for 22 parking spaces to maintain the building size, given the interrelationship of the uses on this site and the shuttle services that will be provided for day care users, it is not anticipated that this use will necessitate all of the parking that would normally be required, which would, in turn, require a larger property.

- (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**

The Transportation Planning Section has reviewed the development proposed in this special exception application as part of its review of Preliminary Plan of Subdivision 4-05097. The Planning Board approved the subdivision on January 12, 2006, per PGCPB No. 06-11.

The applicant submitted a traffic study dated November 16, 2005, that was used to assess the adequacy of the transportation facilities to serve the proposed development. The findings and recommendations are outlined in a memo dated January 4, 2006, from Eric Jenkins of the Transportation Planning Section. Approval of the preliminary plan included conditions to ensure that there would be adequate levels of service at the major intersections serving this development as well as adequate capacity on the road that serves the development, MD 202.

Staff recommended that the applicant be responsible for site access and frontage improvements to be determined and approved by the State Highway Administration; this included restricting the site access point to a right-in/right-out configuration. In addition staff recommended dedication of 100 feet of right-of-way from the master plan centerline of MD 202 (Largo Road). Total development within the subject property shall also be limited to 40,751 square feet of commercial space to accommodate an adult day care center and assisted living center, or equivalent development which generates no more than 29 AM and 39 PM peak-hour trips.

In consideration of the information provided in support of the application, the Transportation Planning Section found that the special exception would not adversely affect the health, safety or welfare of residents or workers in the area or unanticipated capacity or safety issues on adjacent roadways.

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

The applicant submitted the following information:

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

“The policies and goals of the center are to provide an environment conducive to the healthy active living of the elderly community. Planned activities and exercises will be part of the daily routine.”

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

“The facilities will serve 120 occupants in the Adult Day Care center; however, 50% of the population in the day care center will come from the residents in the Assisted Living facility, which will have 110 residents.”

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

“Adult day care/Assisted Living activities [sic] shall be designed to meet the participant’s specific needs and interests. A detailed description of the type of activities planned is contained in the Program Overview.”

**(D) Operating methods and procedures proposed;**

“The operating methods and procedures will be in strict accordance with the Annotated Code of Maryland Health-General Article, Title 14, Subtitles 2 and 3 (Code of Maryland Regulations 10.1204, Day Care for the elderly and Medically Handicapped Adults) and The Maryland State Department of Health and Mental Hygiene Regulations Governing Assisted Living Programs as set out in the Code of Maryland Regulations (COMAR 10.07.14).

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

“Traffic expected has been analyzed and determined to not be of a sufficient quantity to require a traffic impact statement for approval of this special exception, in accordance with the County guidelines for the traffic impact studies.”

**(F) Other appropriate aspects of the center’s operation.**

“The other appropriate aspects of the center’s operation is the unique interaction that will be fostered between the day care center participants and the assisted living seniors, which should form an integral relationship healthy for all involved.

“The retirement-aged community in Prince George’s County has steadily increased. According to a report prepared by the Prince George’s County Planning Department entitled “Prince George’s County – The Aging Population,” county residents 55 years and older make up 16% of our population. In actual numbers, this age group’s population has increased to over 120,000 in the County alone. Therefore, the establishment of this facility will serve the needs of our aging community, in general, by providing a safe and caring environment where elderly and medically disabled adults will be able to participate in activities and therapies appropriate to their needs. In addition, participants will receive nutritious meals and will be monitored for an array of medical conditions. However, the participants will be able to return to their families or in some cases their own homes in the evening. Adult day care centers provide social, recreational and health services in a group setting at about one-third the cost of a nursing home. Adult day centers are not a substitute for nursing home care, but they can prevent the premature placement of a person in an institution until around-the-clock care is actually needed.”

**H. Parking Regulations:**

The site plan indicates that 64 parking spaces and 1 loading space are to be provided. The Zoning Ordinance requires 86 parking spaces and 1 loading space. An application for a departure from parking and loading standards has been filed (DPLS-313) to address the request for a reduction of 22 on-site spaces.

**I. Landscape Manual Requirements:**

The proposed development is subject to requirements 4.3a, Parking Lot Landscape Strip, 4.3c, Parking Lot Interior Planting, 4.4, Screening, 4.5, Stormwater Management Facility, and 4.7, Buffering Incompatible Uses, of the *Landscape Manual*. The plan has been determined to be in compliance with all requirements except for Section 4.5 where the Department of Environmental Resources will determine compliance at the time of the technical review of the development’s stormwater management facility and Section 4.3(b), Perimeter Landscape Strips, that requires landscaping along the property’s southern boundary. The applicant requested Alternative

Compliance from Section 4.3(b) of the *Landscape Manual*, which requires a landscape strip between the parking lot and any adjacent property line to be a minimum of five feet wide. Alternative Compliance, (AC-06002) was granted to the applicant based on the following finding:

“The proposed property and adjoining property has ‘Low’ development impact. The driveway access to the loading space behind the proposed building is 22 feet wide. Some portions of the parking lot driveway encroach into the required five-foot landscape yard, which preclude the site from full compliance to Section 4.3(b) of the *Landscape Manual*. To compensate for the reduced perimeter landscape, the applicant is proposing to use 152 plant units (72 additional plant units) along the parking lot driveway in addition to a retaining wall to be built along the property line. There is an existing chain-link fence along the University of Maryland experimental farm on the south side of [the] property line. The proposed plant units along the proposed retaining wall, will not only allow open views for the future residents of the facility but also sufficiently buffer the adjacent University of Maryland farmlands.”

**J. Zone Standards:**

Section 27-464.04(a) includes both development guidelines and requirements for assisted living facilities in residential zones. This application meets these guidelines and requirements as listed below:

**(1) Guidelines for development.**

**(A) The following guidelines shall be considered:**

- (i) If more than one (1) building is proposed, residential units should be clustered together in small to medium size groups to give a more residential character to the site.**

Only one building is proposed.

- (ii) The entry to the assisted housing site should provide easy recognition of the facility and a safe and unambiguous vehicular route to the building entry and passenger drop-off area.**

The proposed facility is a one-story building of approximately 40,000 square feet in size. The building plan shows the main entrance in the front of the building with a passenger drop-off area. The driveway has been designed to provide for one-way circular travel around the center parking area to provide for better circulation for vehicles dropping off passengers to the facility. A monumental sign has been designed for the vehicular entrance of the development on MD 202 to provide for easy recognition of the facility.

- (iii) The radius and width of the entry drive should allow cars and vans to maneuver easily.**

The radius and width of the entry drive will allow cars and vans to maneuver

easily.

- (iv) **The drop off area should be close and convenient to the building entry, but should be spacious enough to accommodate wheelchairs, open car doors, and passing cars.**

The location of proposed drop-off area has been revised to accommodate space for drop-off and pick-up traffic of adults who attend the day care daily while maintaining vehicular flow.

- (v) **A canopy or cover offering protection from the weather should normally be provided over the building entry and passenger drop-off area.**

A canopy will extend from the building to offer protection from the weather over the building entry and passenger drop-off area.

## (2) Requirements

- (A) **A recreational facilities plan shall be submitted demonstrating that sufficient recreational facilities or opportunities are provided to serve the prospective resident population. Facilities may be provided on site or within adjoining development. In any case, but particularly if on adjoining property, there shall be a staging plan for the facilities constructed. Recreational area should be clustered together to increase levels of activity, use of amenities, and the sense of vitality of community.**

The plan has been revised to provide for outdoor passive recreation in the preserved woodland at the rear of the site. A path has now been added to this area, which will also include the stormwater management facility. A program overview description has been submitted with this application that indicates the type of planned activities for the future residents that are designed for indoor programs and activities as well as field trips. The proposed project includes an open courtyard within the building that will provide an area for residents who do not have the ability to go outside. The design of this space should be more closely reviewed at the time of detailed site plan and consideration should be given to providing amenities such as an indoor fountain in addition to the proposed benches. Providing a fountain at the heart of the courtyard will create a sense of place. The recreational facilities provide for both passive and active recreational and social interactions.

- (B) **The facility shall not be more than four (4) stories.**

The facility is one story.

- (C) **The facility shall be located on a minimum of three and one-half acres of land.**

The site is 3.86 acres.

**(D) The subject property shall be adjoining residentially zoned land.**

The site adjoins R-R- and R-O-S-zoned land.

**(E) A Detailed Site Plan shall be approved for the facility in accordance with Part 3, Division 9, of this Subtitle.**

The applicant will apply for detailed site plan approval prior to the application for a building permit. Particular attention should be paid to the architecture, including the placement of windows and the design of the indoor courtyard.

**K. Sign Regulations:**

A freestanding sign is proposed which meets the requirements for location and size in the Zoning Ordinance for institutional signs. The design of the sign, including the exact wording, should be reviewed at the time of detailed site plan since the proposed sign advertises medical and rehabilitation services which are not the subject of this application.

**L. 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.**

The purposes of the Zoning Ordinance are many and varied; however, they can best be summed up as promoting the health, safety, and welfare of county residents by providing for the orderly growth and development of the county and promoting the most beneficial relationship between the uses of land and buildings. The proposed use and site plan will provide for the orderly growth of the county by providing opportunities for elderly resident to remain near their families in a residential setting as well as provide convenient adult day care to a growing area of the county.

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

A departure from the number of parking and loading spaces, a departure from design standards, and alternative compliance with the *Landscape Manual's* requirements are being considered with this application. Approval of these companion applications will ensure that the use is in conformance with all applicable requirements and regulations of the Zoning Ordinance.

**(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 1993 Subregion VI Study Area master plan identified this site as part of a rural residential area and recommended low suburban residential development at up to 2.6 dwelling units per acre for this property, which was placed in the Marlboro community. This special exception application for an assisted living facility and adult day care center at this location is generally consistent with the land use recommendations or policies for this rural residential area within the Marlboro community. The proposed use will not substantially impair the integrity of the approved master plan.

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

To ensure that this use will not adversely affect the health, safety or welfare of residents or workers, the applicant has designed the center to provide a full range of on-site activities, programs and recreational amenities for future occupants and day care users. The site has also been heavily landscaped along its northern perimeter to provide a real separation between uses to ensure that the facility's users stay on-site and to ensure that the adjacent subdivision will be adequately buffered from this future development.

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

The landscaping and site design of the proposed use have been very sensitive to the specific location of the use, which is between a single-family development (the Westin subdivision) and the University of Maryland Experimental Farm. The site is landscaped around three of the four sides of the site. A 0.6-acre tree preservation area is located along the fourth side of the site. A heavily landscaped ten-foot bufferyard is provided along the northern perimeter of the site, which abuts the Westin subdivision. An attractive open landscaping plan consisting of trees and shrubs is also provided along the site's southern boundary with the University of Maryland farm. This design is intended to capitalize on the farm's open space. In addition to this site design, a detailed site plan will ensure that the building design will be an attractive addition to the neighborhood. Consequently, staff believes that 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.**

A Type I tree conservation plan (TCPI) was submitted and reviewed for this site for the approved preliminary plan of subdivision 4-05097. This plan, however, had to be revised since the stormwater management pond was moved. The Environmental Planning Section has reviewed the revised TCPI and offered the following comments.

The TCPI currently under review proposes clearing 1.73 acres of the existing 2.28 acres of woodland. The woodland conservation requirement has been correctly calculated as 1.22 acres. The plan proposes to meet the requirement by providing 0.55 acre of on-site woodland conservation and 0.82 acre of off-site mitigation using fee-in-lieu. This is an

appropriate use of fee-in-lieu because the amount of off-site mitigation is less than one acre total.

The limit of disturbance (LOD) is not clearly shown on the plan. The symbol must be revised so that it is more distinct and shown on the plan. The TCPI shows preservation in the area of the proposed trail; however, this area should be shown as cleared and the LOD should be revised to reflect the area to be disturbed for the proposed trail. After the changes have been made, if the remaining woodland requirement is less than one acre, the use of fee-in-lieu will be appropriate. This area of preservation should be shown as cleared and the area added to the worksheet. Remove the NRI approval block from the plan and show the M-NCPPC signature approval block on each sheet of the plan. After all these revisions have been made, the qualified professional who prepared the plan should sign and date it.

It was also noted that according to the Prince George's County Soils Survey the principal soils on the site are in the Adelpia, Collington, and Monmouth soil series. Adelpia soils are associated with impeded drainage. Collington and Monmouth soils pose no special problems for development. The Prince George's County Department of Environmental Resources may require a soils report during the permit review process.

An approved stormwater management concept plan and letter were not submitted with this application. Any changes in the stormwater management design may affect the TCP. The submitted site plan and tree conservation plan show a bio-retention swale in the landscape buffer along the north boundary of the site. A stormwater management pond is proposed on the west portion of the property; however, no outfall is shown for this pond.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommends to the District Council for Prince George's County, Maryland that SE-4546 and AC-06002 be APPROVED, subject to the following conditions:

1. The site plan shall be revised prior to detailed site plan submittal to reflect the planting schedule and others revisions detailed in the applicant's alternative compliance application.
2. Detailed site plan shall include, but not be limited to, a review and approval of the proposed architecture to ensure an attractive design which enhances the neighborhood, the placement of windows in the building to maximize visibility of the adjacent open space provided by the University of Maryland farm, ensuring the design, type and location of the site's outdoor lighting is adequate, particularly in the parking lot, to provide for a safe environment, and signage to ensure it complements and is compatible with the proposed architecture, and that it appropriately advertises the approved special exception uses.
3. The applicant will be responsible for site access and frontage improvements to be determined and approved by the State Highway Administration; this includes restricting the site access point to a right-in/right-out configuration. In addition the applicant shall dedicate 100 feet of right-of-way from the master plan centerline of MD 202 (Largo Road).

4. Total development within the subject property shall also be limited to 40,751 square feet of commercial space to accommodate an adult day care center and assisted living center, or equivalent development which generates no more than 29 AM and 39 PM peak-hour trips.
5. Prior to approval of the special exception by the Zoning Hearing Examiner, the tree conservation plan shall be revised as follows:
  - a. Revise Note 1 of the standard notes to reference We Care Adult Services.
  - b. Revise Note 6 to reference the number of the approved stormwater concept plan and preliminary plan.
  - c. Revise the limit of disturbance symbol and show it on the plan.
  - d. Revise the limit of disturbance to reflect the area to be disturbed for the proposed trail.
  - e. Remove the preservation area from the area of the proposed trail and add the area to the TCPI worksheet as cleared.
  - f. Remove the NRI approval block from the plan and show the M-NCPPC signature approval block on each sheet of the plan.
  - g. Have the qualified professional who prepared the plan sign and date it.
6. Prior to approval of the special exception by the Zoning Hearing Examiner, a copy of the stormwater management concept approval letter and the associated plan shall be submitted. If the final design results in necessary changes to the tree conservation plan, the changes shall be reflected on the TCPII.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Clark, seconded by Commissioner Eley, with Commissioners Clark, Eley, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, March 30, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of April 2006.

Trudye Morgan Johnson  
Executive Director

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By Frances J. Guertin  
Planning Board Administrator

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