



**MAYOR AND CITY COUNCIL OF LAUREL
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT**

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May 10, 2023

AGENDA ITEM NO. 6

TECHNICAL STAFF REPORT

TO: City of Laurel Planning Commission

FROM: Monta Burrough, Deputy Director

CASE: **Special Exception No. 940**
Patuxent Peace
228 Patuxent Road, Laurel, Maryland 20707
Laurel, MD 20707

GENERAL INFORMATION

APPLICANT: Peace on Patuxent
c/o Senita Hill
228 Patuxent Road
Laurel, MD 20707

OWNER: Same as Applicant

LOCATION: 228 Patuxent Road
Laurel, Maryland 20707

ZONE: R-55 (One-Family Detached)

REQUESTED ACTION: Special Exception approval for the establishment and operation of a Nursing Home in the residential home located at 228 Patuxent Place, Laurel, MD 20707

BACKGROUND INFORMATION

The subject property is zoned, R-55 (One Family Detached). Peace on Patuxent is proposed to operate out of the existing, 6-bedroom, 1,363 square foot, two (2) story single-family residential building. The lot size is 10,040 square feet and was originally built in 1963.

The adjacent property zoning designations are as followed:

- **North:** R-5 (One Family Detached)
- **South:** R-55 (One Family Detached) / C-N (Commercial Neighborhood)
- **East:** R-55 (One Family Detached) / R-5 (Single Family Detached)
- **West:** R-5 (One Family Detached)

DEPARTMENT/AGENCY RESPONSES

The following Departments and Agencies were notified of the application and comments were requested. See below for responses:

Department / Agency	Comment
City of Laurel Department of Public Works	See comments below.
City of Laurel Police Department	No objections to the application. (5.10.2023)
City of Laurel Department of Parks and Recreation	No objections to the application. (5.10.2023)
City of Laurel Office of the Fire Marshal & Permit Services	A sprinkler system required, and carbon and smoke detectors throughout. That they also follow all current building codes. (5.23.23)
Washington Suburban Sanitary Commission (WSSC)	No objection to the application. (5.10.2023)
Prince George's County Health Department	See attachment.
Maryland Department of Planning	No comments received.
Maryland State Highway Administration (SHA)	No objections to the application. (5.10.2023)

Maryland-National Park and Planning Commission (M-NPPC)	No comments received.
Baltimore Gas and Electric (BGE)	No comments received.
Verizon	No comments received.

Comments received from City of Laurel Department of Public Works, dated May 15, 2023.

- 1) *According to the plan, all improvements will be on-site only and will not impact public right-of-way.*
- 2) *This Department does not provide hazard material or medical waste pick up and disposal. Please confirm if there will be any medical waste or hazard material from this address. The Applicant must provide us with a waste disposal plan as soon as possible if there is any.*
- 3) *If this Application is approved, please notify our Department as soon as possible as the refuse/recycle collection could be arranged differently from a residential unit to a commercial unit.*

ANALYSIS

The Applicant is seeking Special Exception approval for the establishment and operation of a nursing home in the residential home located at 228 Patuxent Road, Laurel, MD 20707.

The application meets the supplemental criteria set forth in *ULDC Sec. 20-22.45. – Healths, eleemosynary and philanthropic institutions, congregate living facilities, personal care facilities for the elderly or physically handicapped..*

- Business Requirements:

Services will be offered to women 18 years of age and up, who have received a diagnosis of cancer, actively receiving treatment, or two-year post-diagnosis. There are no ethnic, income or educational requirements to receive these services. Priority preference will be granted to women who reside in the Baltimore/Washington Metropolitan area as depicted below:

Respite Stay Priority Preference

- Priority #1 - City of Laurel Residents
- Priority #2 - 25 Mile Radius Residents
- Priority #3 - Baltimore/Washington Metropolitan Area

Program Services

Respite Overnight Guests:

- Single bedroom accommodation permits one person per room for a two-night stay. All accommodations and services are free of charge, except nightly dinner. Guests are

responsible for their own dinner. (Due to the health sensitivities of our guests, pets are not allowed).

- Access to the Meditation Garden
- Access to the Meditation Library
- Access to scheduled activities.
- Transportation to be provided as needed

Meals provided by Peace on Patuxent

- Breakfast and lunch will be provided to overnight guests.
- Lunch will be provided to Day Retreat guests.

Respite Day Retreat Guests:

- Access to the Meditation Garden
- Access to scheduled activities
- Access to dining area for lunch only

Ad Hoc Services offered by Peace on Patuxent

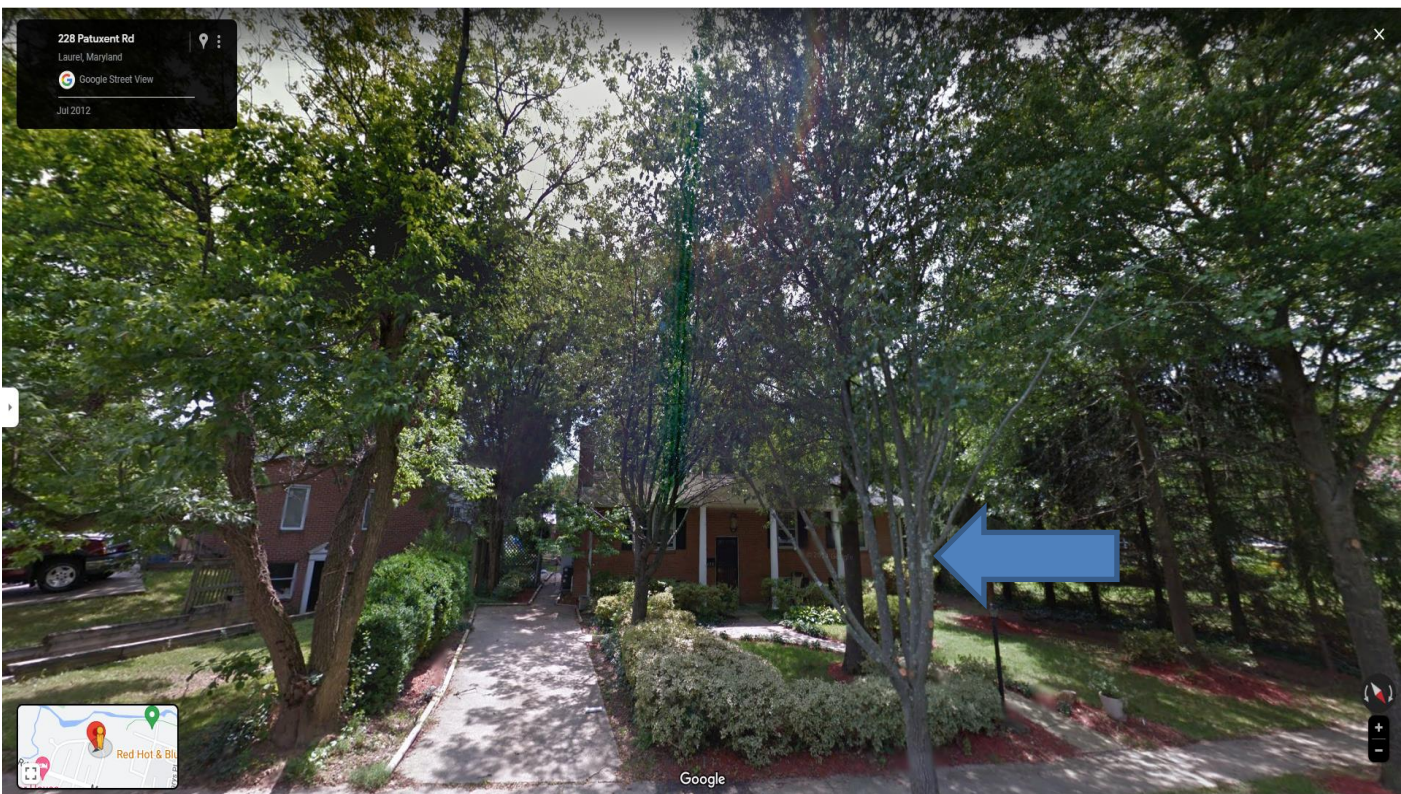
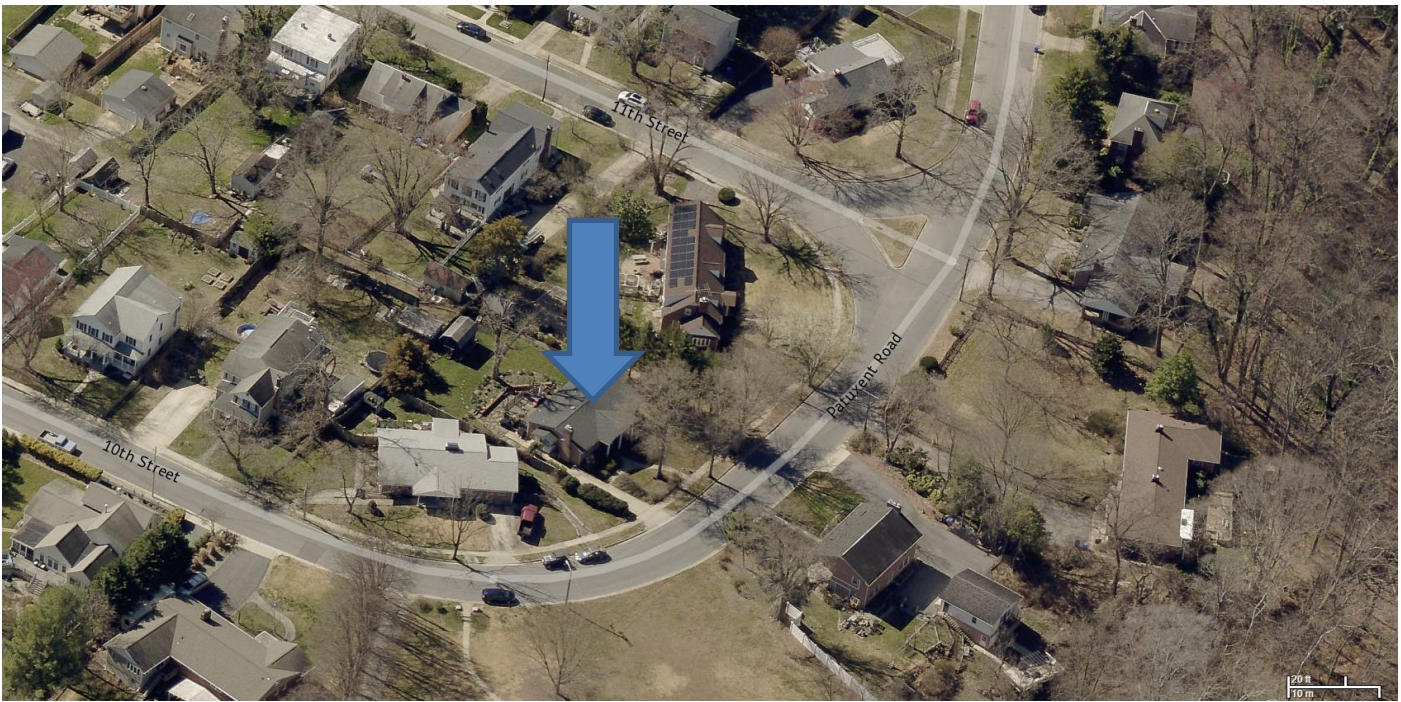
- Counseling
- Expressive writing
- Guided Meditation
- Nutritional education
- Yoga

Attachment 1 provides a comprehensive overview of the services and levels of care that is proposed by the Applicant, such as manager training, nurse scheduling/procedure, and emergency protocols.

Site: The residential home that the Applicant has proposed to operate Peace on Patuxent out of is a private home owned by the Applicant. Peace on Patuxent will use the following in its business operation:

- Three (3) bedrooms
- Three (3) full bathrooms
- One (1) guest dining room / staff lounge / office common area/breakfast nook
- One (1) kitchen
- Meditation garden and library for guest
- Meditation / yoga room
- Laundry room

Approximately two (2) miles to closest commercial corridors The photograph below shows the proposed site, 228 Patuxent Road, Laurel, Maryland 20707. The blue arrow indicates the proposed location of the Passion Care business.



The Applicant purposes to use the existing driveway to accommodate required parking. The Applicant is required have one (1) parking space, **per the City of Laurel Unified Land Development Code Section 20-16.5.**, Nursing home requires one (1) parking space per three (3) beds. The Applicant is providing three (3) beds for respite care. The Applicant will provide parking along existing driveway.

The Board of Appeals may grant special exceptions for such periods and for the use numerated, and subject to the conditions set forth in this division.

Sec. 20-21.01 of the *Unified Land Development Code (Code)* lists five criteria for special exceptions generally, which include:

1. The proposed use is in harmony with the purpose and intent of the Master Plan, as embodied in this article and in any Master Plan or portion thereof adopted or proposed as part of such Master Plan;

Yes, the purpose of the nursing home is to provide convalescent services to women in the community who have received a diagnosis of cancer. The proposed use of the property as a nursing home is in harmony with the land use policies of the Master Plan, within the residential neighborhood.

2. The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;

No, There has been no community reaction to the proposed nursing home, so we are confident that the proposed use will not have a negative impact on the welfare of the residents and workers in the area as it related to health, safety, or welfare.

3. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity;

The level and impact of any noise, light glare, or odors generated by the proposed nursing home will not negatively impact the health, safety, or welfare of residents or workers in the area nor will it be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood.

4. Will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public improvements;

Consistent with information sources from the Department of Transportation website and the City department of Planning and zoning and the Department of Public Works website, the purposed multiuse facility can be served adequately by public utilities and services and roads.

5. Meets the definition and specific standards set forth elsewhere in this article for such particular use.

Yes. The proposed use complies with the specific standards set forth in the article. There is nothing A-typical about the request. The proposed use will be in harmony with the general character of the neighborhood because it will blend in with the uses and structures

surrounding. This is an appropriate use, in alignment with the Master Plan. It is well situated for the site, and it will not generate any significant change in traffic conditions.

In any residential and in the O-B, C-N, C-C, and C-G zones, a lot, parcel or tract of land for a hospital, nursing, or care home, eleemosynary, or philanthropic institution, congregate living facility, or personal care facility for the elderly or physically handicapped, upon a finding by the Board of Appeals:

Sec. 20-22.45. (b) of the Unified Land Development Code (Code) lists four criteria which include:

1. Such use will not constitute a nuisance because of traffic, noise, number of patients or persons being cared for, or the type of physical activity.

No. The purpose of nursing home is to provide respite services in an environment of tranquility. The proposed use of the residence will not constitute a nuisance because of traffic, noise, number of patients or persons being cared for, or the type of physical activity.

2. Such use will not affect adversely the present character or future development of the surrounding residential community.

No. The use of the residence as a nursing home will not affect adversely the present character or future development of the surrounding residential communities. We are certain that the nursing facility will not be detrimental to the economic value, or development of surrounding residential communities.

3. Such use meets the following standards:

- a. Meets present or future standards licensing requirements, or similar regulations imposed by county, state, or federal agencies having jurisdiction over such use. The Board of Appeals may solicit review and comment by appropriate government agencies providing similar services.**
- b. That, whenever appropriate, the proposed institution establishes a working relationship with public and private agencies offering related services.**
- c. That the applicant for a special exception for an institution provides the Board with a detailed written description of its formal program.**
- d. That all principal staff members, whether volunteer or paid, of a proposed institution, possess qualifications appropriate to the service offered by the proposed institution, such qualifications being similar to those imposed by any governmental or private agency having jurisdiction over said institution.**
- e. That, in the case of nursing homes, hospitals, sanatoria, eleemosynary, philanthropic, or similar facilities, an appropriate number of qualified staff members are in-charge at any given time.**
- f. That, in Residential Zones, the exterior features of an institution are compatible with the character of the surrounding neighborhood.**

- g. Congregate living facilities and personal care facilities for the elderly or physically handicapped shall contain a minimum of five hundred (500) square feet of floor area for each unit. This includes an amount of common area large enough to provide a feeling of the entire building being a shared residence. This common area shall be designed with an abundance of natural light and visibility and residential type interior finishes, and a minimum of long hallways, tile floors, and institutional interior finishes. The common area shall include small sitting areas as well as dining recreation, large living area(s) with at least one (1) fireplace, and outside porches. There should be a special focus in these types of facilities on providing psychological amenities to maintain dignity for the residents. This extends to a need for a generous landscape plan keeping in mind the need for shade and comfortable walking areas.**
- h. Accessory uses within a congregate living or personal care facility may include recreational and educational services, therapy areas, retail store, and personal and professional services, provided that use of these facilities is limited to on-site residents and their guests. If public use of these services is made available, then parking and other zoning considerations shall be calculated for each specific use.**
- i. The site location for congregate living and personal care facilities shall have adequate accessibility to public transportation, medical service, shopping areas, recreational and other community services frequently desired by elderly and handicapped persons.**

Yes. It is critical to the operation of the nursing home principal officers and volunteers ensure and maintain compliance in order to meet the following standards:

Standards and Licensing

Staff and volunteers of the proposed nursing home will maintain compliance with present or future standards licensing requirements, or similar regulations imposed by county, state, or federal agencies having jurisdiction over such use. The Board of Appeals may solicit review and comment by appropriate government agencies providing similar services.

Institutional Relationships

Staff and volunteers of the nursing home will ensure and maintain a working relationship with public and private agencies offering related services.

Staff /Volunteer Qualifications

All principal staff members, whether volunteer or paid, at the proposed nursing home, will possess qualifications appropriate to the service offered by the nursing facilities, such qualifications being similar to those imposed by any governmental or private agency having jurisdiction over said institution.

Staff In -charge

We will ensure and maintain the appropriate number of qualified staff members are in-charge at any given time.

Residential Zones

The exterior features of the proposed nursing home is compatible with the character of the surrounding neighborhood.

Living Facility

The living facility of the proposed nursing home has a common area large enough to provide a feeling of the entire building being a shared residence. The common area is designed with an abundance of natural light and visibility and residential type interior finishes, and a minimum of long hallways, tile floors, and institutional interior finishes. The common includes small sitting areas as well as dining recreation, large living area(s) with at least one (1) fireplace, and outside porches. There is a special focus on providing psychological amenities to maintain dignity for the residents.

Parking

Accessory use by the proposed nursing home includes educational services, therapy areas, personal, and professional services offered at facility is limited to on-site residents. Current zoning consideration and calculation for parking is in harmony with the neighborhood and consistent with the City Department of Planning and Zoning Ordinance of three (3) parking spaces per dwelling. The proposed the proposed nursing home is a (3) bed facility, which will utilize one (1) parking space. We are certain that the proposed facility will not present a parking disruption to the community.

4. A preponderance of evidence of record indicates that:

- a. A need exists for the proposed health, eleemosynary, philanthropic institution, congregate living facility, or personal care facility for the elderly or physically handicapped, for service to the population in the community considering the present availability of such use to the community.**
- b. A need exists for the proposed health, eleemosynary, philanthropic institution, congregate living facility, or personal care facility for the elderly or physically handicapped, due to an insufficient number of similar uses presently available to serve existing population concentrations in the City.**
- c. The activity at the proposed location will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed health, eleemosynary, philanthropic institution, congregate living facility, or personal care facility for the elderly or physically handicapped.**

Yes. The preponderance of evidence of record indicates that:

A critical need exists for the proposed nursing home to provide respite services to women in the diagnosed with cancer. A nursing home in the community would fulfill an enormous deficit to this population of women within the community. The nearest respite home available to services to this population of women in our community, is approximately 200 miles outside of the City limits.

RECOMMENDATION

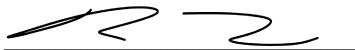
Staff recommends that the Planning Commission **RECOMMEND APPROVAL** of Special Exception Application No. 940 to the City of Laurel Board of Appeals with the following conditions:

1. The Applicant shall obtain a City of Laurel Use and Occupancy permit;
2. The Applicant shall comply with all regulations of the Prince George's County Health Department for protection of the use of the property;
3. The Applicant shall submit a refuse plan to the City of Laurel Department of Public Works for review prior to the issuance of the Use and Occupancy permit;
4. The Applicant shall comply with all federal, state, and local laws and regulations for protection of the use of the property.

Attachments

1. Patuxent on Peace business plan
2. Site plan
3. Interior Pictures
4. P.G. County Health Department

Reviewed:



Robert Love
Director