

**FINDINGS AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND**

APPLICANT: The Vestry of St. James' Parish

ASSESSMENT DISTRICT: 8th

CASE NUMBER: 2022-0127-S

COUNCILMANIC DISTRICT: 7th

HEARING DATE: September 7, 2023

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicant is requesting a special exception to modify a previously approved special exception to allow a child care center other than as a home occupation in an RA – Rural Agricultural District on property located at 5755-5761 Solomons Island Road in Lothian.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 59.23 acres of land and is located with 2,971 feet of frontage on the east side of Solomons Island Road, zero feet north of E Bayfront Road. It is identified as Parcel 90 in Block 3 on Tax Map 77. The property is zoned RA – Rural Agricultural District, as adopted by the comprehensive zoning for Council District 7, effective October 7, 2011.

The lot is currently improved with a church building, a church office building, a school building, the rector's house, the assistant rector's house, two old barns, a paved parking area, a playground, and a cemetery. The property is served by a private water well and septic system.

PROPOSAL

The applicant seeks approval to expand the existing child care center by including "Room 1/1A", a 410.8 square foot room, as part of the childcare center and by increasing the number of children allowed in an existing child care room "Room 2/2A". The proposal would increase the maximum number of children allowed onsite at any one time from 40 to 65 and would increase the maximum number of children registered from 100 to 125. No physical site changes are proposed at this time.

SPECIAL EXCEPTION STANDARDS

The specific criteria by which a special exception for a child care center other than as a home occupation may be granted are set forth under § 18-11-112 of the Anne Arundel County Zoning Code. Additionally, all special exceptions are subject to the general standards contained in § 18-16-304.

FINDINGS

A review of the County 2023 aerial photograph shows that the subject property is irregular in shape and is surrounded by other RA zoned properties containing residential and farming uses.

On July 20, 2011, the subject property was granted a special exception (2011-0139-S) to operate a child care center other than as a home occupation and was granted associated variances (2011-0140-V) to allow the use on a scenic and historic rural road with the playground area in the front yard of the child care center. At the time of the original special exception approval, the center was leasing two classrooms. The limited floor area had sufficient space for 15 preschool aged children per room based on the space requirement per child of the Maryland State Education Department regulations. Later that year, the property was granted a separate special exception (2011-0286-S) to expand the existing cemetery on the subject property.

On March 25, 2015, the property was granted a special exception (2015-0017-S) and associated variances (2015-0018-V) to expand the previously approved child care center, increasing the number of children onsite at any one time from 30 to 40 and increasing the total number of children registered from 75 to 100. The applicant now seeks permission to expand into another classroom and to increase the capacity of an existing classroom, increasing the maximum number of children onsite at any one time from 40 to 65 and increasing the maximum number of children registered from 100 to 125.

The applicant's letter explains that Little Learners has been in operation for 12 years and has operated at full capacity. The center has reservations for at least 15 children if the requested special exception modification is granted. The applicant notes that the [State] Office of Childcare will allow an increase in the number of students in classroom 2/2A and will include the possibility of using classroom 1/1A, pending the approval of this application.

The **Development Division (Residential Team)** defers to the Zoning Administration Section on whether the applicant meets the special exception standards. Should the special exception be approved, the Team provided the following. Per Article 17, Title 4, a Preliminary Plan (PP) and Site Development Plan (SDP) application must be submitted and approved. This project may, however, be exempt from the Preliminary Plan and Site Development Plan process as per Article 17-4-101(3). An Administrative Decision request must be submitted and approved to receive this exemption. The applicant shall refer to Green Notice OPZ-22-03 found on the County website at www.aacounty.org for instructions on how to apply for the Administrative Decision. As per County Code Section 17-2-107(c), in the six-month period before the initial submission of a Preliminary Plan that falls within the scope of this section, the developer shall hold a community meeting. Additionally, within 45 days after submission of a Site Development Plan that falls within the scope of this section, the developer shall hold a community meeting.

The **Long Range Planning Section** commented that the site is located in the Plan2040 Rural and Agricultural Development Policy Area and the Rural Planned Land Use category. Surrounding properties are in the Rural Planned Land Use category. Zoning for the site is RA and surrounding properties are zoned RA. The site is not located within the Priority Funding Area. The northern portion of the property is unprotected within the Green Infrastructure Network. Plan2040 does not have recommendations that are specific to this site, and the proposal is generally consistent with the goals, policies and strategies of Plan2040. This proposal is within Region Planning Area 8. The Region Plan process for Region 8 is anticipated to begin in January, 2024 and completed in the spring of 2026. No applications were submitted during the 2011 Comprehensive Rezoning process. The site is in the No Public Service category in the Rural Sewer Service Area and the No Public Service category in the Rural Water Pressure Zone. The proposal is consistent with the 2022 Water and Sewer Master Plan.

The **Health Department** recommends denial of the special exception until the adequacy of the on-site sewage disposal system can be determined.

With regard to the specific special exception requirements of § 18-11-112, this Office submits the following findings:

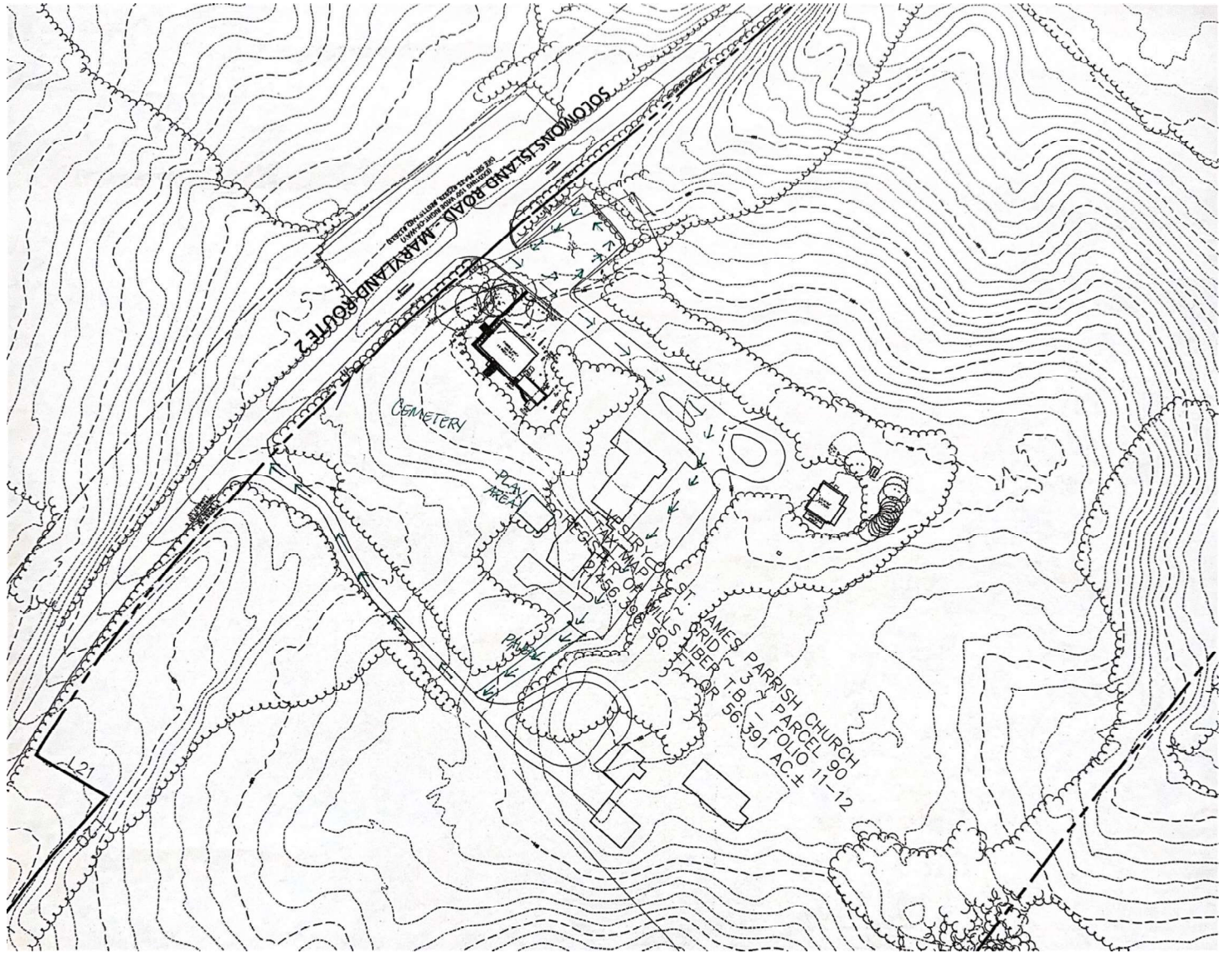
- (1) *The facility shall be located on a lot of at least one acre for a center with less than 60 children and on a lot of at least two acres for a center with 60 children or more.* The 59.23 acre site far exceeds the two acre area requirement.
- (2) *Onsite circulation and parking areas shall be designed to minimize vehicular and pedestrian conflicts and to provide safe areas for the dropping off and picking up of passengers.* It appears that the center provides adequate parking for the use (two spaces for every group of 10 children or less) and provides a satisfactory circulation route for the safe drop-off and pick-up of passengers entirely on-site. If parking is found to be insufficient for all of the uses of the property combined at the time of SDP review, then the applicant will have to comply with any additional parking requirements.
- (3) *Outdoor play areas or activity areas shall be fenced and located to the side or rear of the principal structure. The fence shall comply with the side and rear setbacks for accessory structures as provided in the bulk regulations of the residential district in which the child care facility is to be located.* The existing outdoor play area does not comply with this provision; however, the playground was already granted variance relief. No changes to the play area are being proposed with this application; therefore, a variance is not required.
- (4) *The activities on the property shall be located in a manner to shield surrounding residential property from the effects of noise, hazards, or other offensive conditions.* The center is located more than 1,000 feet from dwellings on abutting properties and more than 500 feet from the closest dwelling across Solomons Island Road to the west. There is no evidence that the existing child care center has been the subject of any complaints.
- (5) *A facility located in an RA District shall be located on a road other than a scenic or historic rural road.* The official map entitled “Scenic and Historic Rural Roads, 2006” that was adopted by the County Council shows that, while both roads are classified as scenic and historic, they are not classified as rural. Therefore, this provision is satisfied.
- (6) *A facility located in a residential zoning district may not have an entrance on a minor arterial road or a road of higher classification unless the entrance to the center is at least 500 feet from the entrance to a subdivision or commercial property.* The entrance to the child care center is located on Solomons Island Road, a principal arterial road. However, the entrance is not located within 500 feet of the entrance to a subdivision. Therefore, this provision is satisfied.
- (7) *A special exception granted under this section and in use as of January 6, 2014 shall be governed by the law in effect as of that date.* While the original special exception approval was granted prior to this date (July 20, 2011), a modified special exception was granted on March 25, 2015. The current special exception application to expand the existing child care center is subject to the current law in effect.

Concerning the general special exception standards of § 18-16-304, it is the opinion of this Office that the proposed child care center expansion would not be detrimental to the public health, safety, or welfare. The facility would be compatible with the appropriate and orderly development of the RA District, as there are no proposed physical changes to the exterior of the site. The operations related to the facility would be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed in the district. Similarly, the use at the location proposed would not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district. There is no evidence to indicate that the proposed use will conflict with an existing or programmed public facility, public service, school, or road. The proposal is consistent with the Plan2040 adopted Land Use Map and is generally consistent with the goals, policies, and strategies of Plan2040. Public need for the use is based on the applicant's assertion that there has been an increased demand for child care services in the area, which will be further demonstrated via testimony at the public hearing. If approved, the applicant will be required to demonstrate compliance with the requirements of the County Landscape Manual at permitting.

RECOMMENDATION

Based upon the standards set forth in § 18-16-304 and § 18-11-112 of the Code, under which a special exception to allow a child care center other than as a home occupation may be granted, the Office of Planning and Zoning recommends ***conditional approval*** of the proposed special exception. Any approval must be conditioned on the resolution of the questions raised regarding the adequacy of the septic system to the satisfaction of the Health Department at permitting.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.





SITE PLAN
 SKETCH PLANS
 FOR
ST. JAMES EPISCOPAL CHURCH
 TAX MAP #1 BLOCK 3, PARCELS 90
 MARYLAND ROUTE 2 AND MARYLAND ROUTE 258
 TRACYS LANDING, LOTHIAN, MARYLAND
 EXEMPTED DISTRICT - ANNE ARUNDEL COUNTY

Bay Engineering Inc.
 195 Admiral Cochrane Drive, Suite 175
 Annapolis, Maryland 21401
 410.297.8200
 410.297.8202 fax
 email: info@bayengineering.com
 www.bayengineering.com

I warrant that these drawings were
 prepared or modified by me or that I am
 licensed professional engineer or have at
 the time of issuance

Terry Eckman Date
 1993 3/31/18
 License No. Expiration Date

Revisions			
Rev. #	By	Date	Description

Office of Planning and Zoning
2664 Riva Road
Annapolis MD 21401

June 13, 2022

Special Exception Application to Modify
Special Exception Order No. 2015-0017-S
Explanation Letter

Dear Ladies and Gentlemen:

On behalf of St. James' Parish, I am filing an application to allow for the modification of a previously approved special exception order No 2015-0017-S. We would like to amend the order by including room 1/1A as part of the childcare center, increase the number of children onsite from 40 to 65 at any one time and increase the number of children registered from 100 to 125 children. Little Learners has been in operation for 12 years and has operated at full capacity with reservations for at least 15 children if the requested modification is granted. The Office of Childcare will allow an increase in the number of students in classroom 2/2A and include the possibility of using classroom 1/1A, dependent upon the approval of our special exception application.

It is our intention to better serve our community by increasing our maximum capacity. Every year the requests to attend seem to be growing and our ability to accept these families is currently limited due to our capacity numbers.

We appreciate your time in reviewing our request and if there is anything else you need, please let us know.

Thank you,



Jessica Mudd
Owner

Little Learners Preschool
jessmudd@verizon.net
410-991-0424

Office of Planning and Zoning
2664 Riva Road
Annapolis MD 21401

July 19th, 2023

Special Exception Application to Modify
Special Exception Order No. 2015-0017-S

Current application No. 2022-0127-S

In an email were told to address the following:

§ 18-11-112. Child care centers other than as a home occupation.

A child care center other than as a home occupation shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least one acre for a center with less than 60 children and on a lot of at least two acres for a center with 60 children or more. **We are asking for maximum of 100 students. The land is approx. 56 acres**

(2) Onsite circulation and parking areas shall be designed to minimize vehicular and pedestrian conflicts and to provide safe areas for the dropping off and picking up of passengers. **Parents drop off and pick up in a car line and therefore do not park. We indicated our traffic flow on the site plan**

(3) Outdoor play areas or activity areas shall be fenced and located to the side or rear of the principal structure. The fence shall comply with the side and rear setbacks for accessory structures as provided in the bulk regulations of the residential district in which the child care facility is to be located. **We have an outdoor play area that was already added and approved**

(4) The activities on the property shall be located in a manner to shield surrounding residential property from the effects of noise, hazards, or other offensive conditions. **No changes**

(5) A facility located in an RA District shall be located on a road other than a scenic or historic rural road. **Located on Solomons Island Road**

(6) A facility located in a residential zoning district may not have an entrance on a minor arterial road or a road of higher classification unless the entrance to the center is at least 500 feet from the entrance to a subdivision or commercial property. **n/a**

(7) A special exception granted under this section and in use as of January 6, 2014 shall be governed by the law in effect as of that date.

Not clear on what I need to provide for the next section.

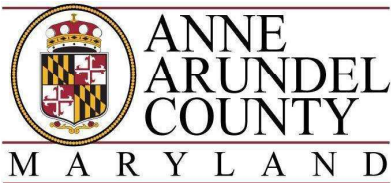
§ 18-16-304. Special exceptions.

(a) **Requirements.** A special exception use may be granted only if the Administrative Hearing Officer makes each of the following affirmative findings:

- (1) The use will not be detrimental to the public health, safety, or welfare;
- (2) The location, nature, and height of each building, wall, and fence, the nature and extent of landscaping on the site, and the location, size, nature, and intensity of each phase of the use and its access roads will be compatible with the appropriate and orderly development of the district in which it is located;
- (3) Operations related to the use will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed under this article;
- (4) The use at the location proposed will not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district;
- (5) The proposed use will not conflict with an existing or programmed public facility, public service, school, or road;
- (6) The proposed use has the written recommendations and comments of the Health Department and the Office of Planning and Zoning;
- (7) The proposed use is consistent with the County General Development Plan;
- (8) The applicant has presented sufficient evidence of public need for the use;
- (9) The applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use;
- (10) The application will conform to the critical area criteria for sites located in the critical area; and
- (11) The administrative site plan demonstrates the applicant's ability to comply with the requirements of the Landscape Manual.

(b) **Phasing of development.** If phasing of development is proposed for a use allowed by special exception and the Planning and Zoning Officer has approved a plan for phasing of development, the Administrative Hearing Officer may allow phasing pursuant to the approved plan as a condition of special exception approval.

(Bill No. 4-05; Bill No. 60-10; Bill No. 18-18)



Office of Planning and Zoning

Jenny B. Jarkowski
Planning and Zoning Officer

MEMORANDUM

TO: Zoning Division

FROM: Jessica Levy, Long Range Planner

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Long Range Planning Comments

DATE: July 26, 2023

Name of Project: Vestry of St James Parish
Case#: 2022-0127-S
Location: 5761 Solomons Island Rd, Lothian
Tax Map 77, Parcel 0090
Region Planning Area: Region 8
Community: Lothian

Summary:

The applicant requests a Special Exception to allow a child care center in the RA-Rural Agricultural Zoning District. This site was previously approved to operate a child care facility through Special Exception No 2015-0017-S, and is seeking a modification to expand their operation. .

The approximately 59-acre site is located in the Plan2040 Rural and Agricultural Development Policy Area and the Rural Planned Land Use category. Surrounding properties are in the Rural Planned Land Use category. Zoning for the site is RA and surrounding properties are zoned RA. The site is not located within the Priority Funding Area. The northern portion of the property is unprotected within the Green Infrastructure Network.

Findings:

Plan2040 General Development Plan: Plan2040 does not have recommendations that are specific to this site and the proposal is generally consistent with the goals, policies and strategies of Plan2040. This proposal is within Region Planning Area 8. The Region Plan process for Region 8 is anticipated to begin in January, 2024 and completed in the spring of 2026. No applications were submitted during the 2011 Comprehensive Rezoning process.

2017 Water and Sewer Master Plan: The site is in the No Public Service category in the Rural Sewer Service Area and the No Public Service category in the Rural Water Pressure Zone. The proposal is consistent with the 2022 Water and Sewer Master Plan.

2022-0127-S - Little Learners

Menu

Cancel

Help

Task

OPZ Residential Team

Assigned to Department

OPZ Residential Planning

Action by Department

OPZ Residential Planning

Start Time

Due Date

08/11/2023

Assigned to

Jeff Torney

Action By

Jeff Torney

End Time

Billable

No

Overtime

No

Assigned Date

07/26/2023

Status

Complete w/ Comments

Status Date

08/11/2023

Hours Spent

0.0

Comments

In response to your request for comments regarding a Special Exception to allow an increase in the number children at existing childcare facility located within the existing St. James Parish Church facility located in the RA – Rural Agricultural District, we defer to the Zoning Division on whether that applicant meets the Special Exception standards. Should the Special Exception be approved, the following comments are offered.

1. Per Article 17, Title 4, a Preliminary Plan (PP) and Site Development Plan (SDP) application must be submitted and approved. This project may however, be exempt from the Preliminary Plan and Site Development Plan process as per Article 17-4-101(3). An Administrative Decision request must be submitted and approved to receive this exemption. The applicant shall refer to Green Notice OPZ-22-03 found on the County website at www.aacounty.org for instructions on how to apply for the Administrative Decision.

2. As per County Code Section 17-2-107(c), In the six-month period before the initial submission of a Preliminary Plan that falls within the scope of this section, the developer shall hold a community meeting. Additional, within 45 days after submission of a Site Development Plan that falls within the scope of this section, the developer shall hold a community meeting.

Time Tracking Start Date

Est. Completion Date

Display E-mail Address in ACA Display Comment in ACA

All ACA Users

Record Creator

Licensed Professional

Contact

Owner

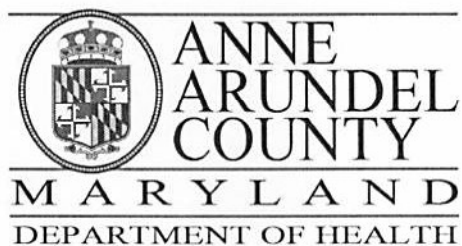
Workflow Calendar

Action

Updated

Estimated Hours

0.0



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health

A handwritten signature in black ink, appearing to be "BC", written over the name "Brian Chew" in the FROM field.

THROUGH: Don Curtian, Director
Bureau of Environmental Health

A handwritten signature in black ink, appearing to be "DC", written over the name "Don Curtian" in the THROUGH field.

DATE: August 28, 2023

RE: Little Learners
5755 Solomons Island Road
Lothian, MD 20711

NUMBER: 2022-0127-S

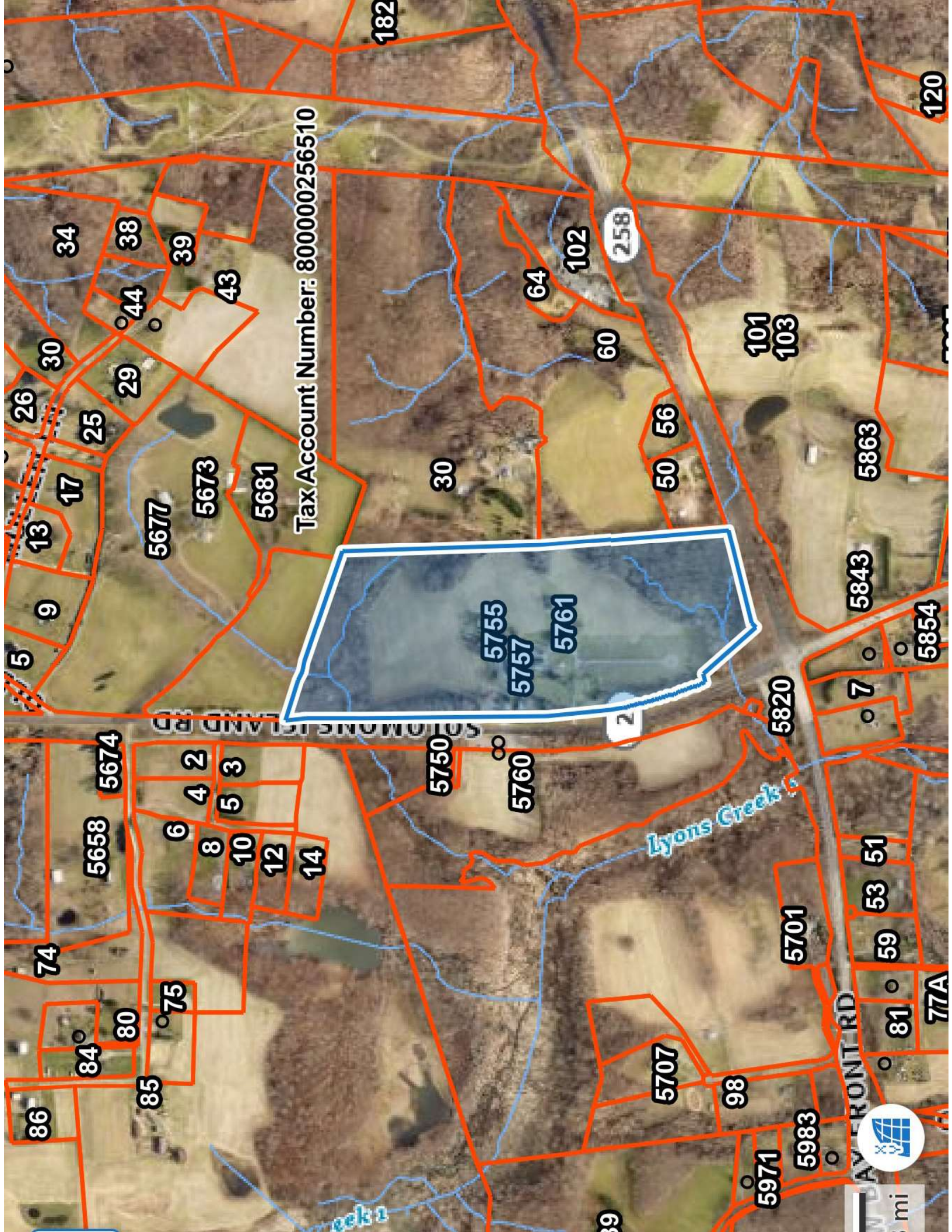
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced special exception to modify a previously approved exception for a child care center in the RA- Rural Agricultural District.

The AACDH recommends denial of the above referenced special exception until the adequacy of the existing on-site sewage disposal system can be determined.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay



Tax Account Number: 800000256510

Lyons Creek



mi