

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.

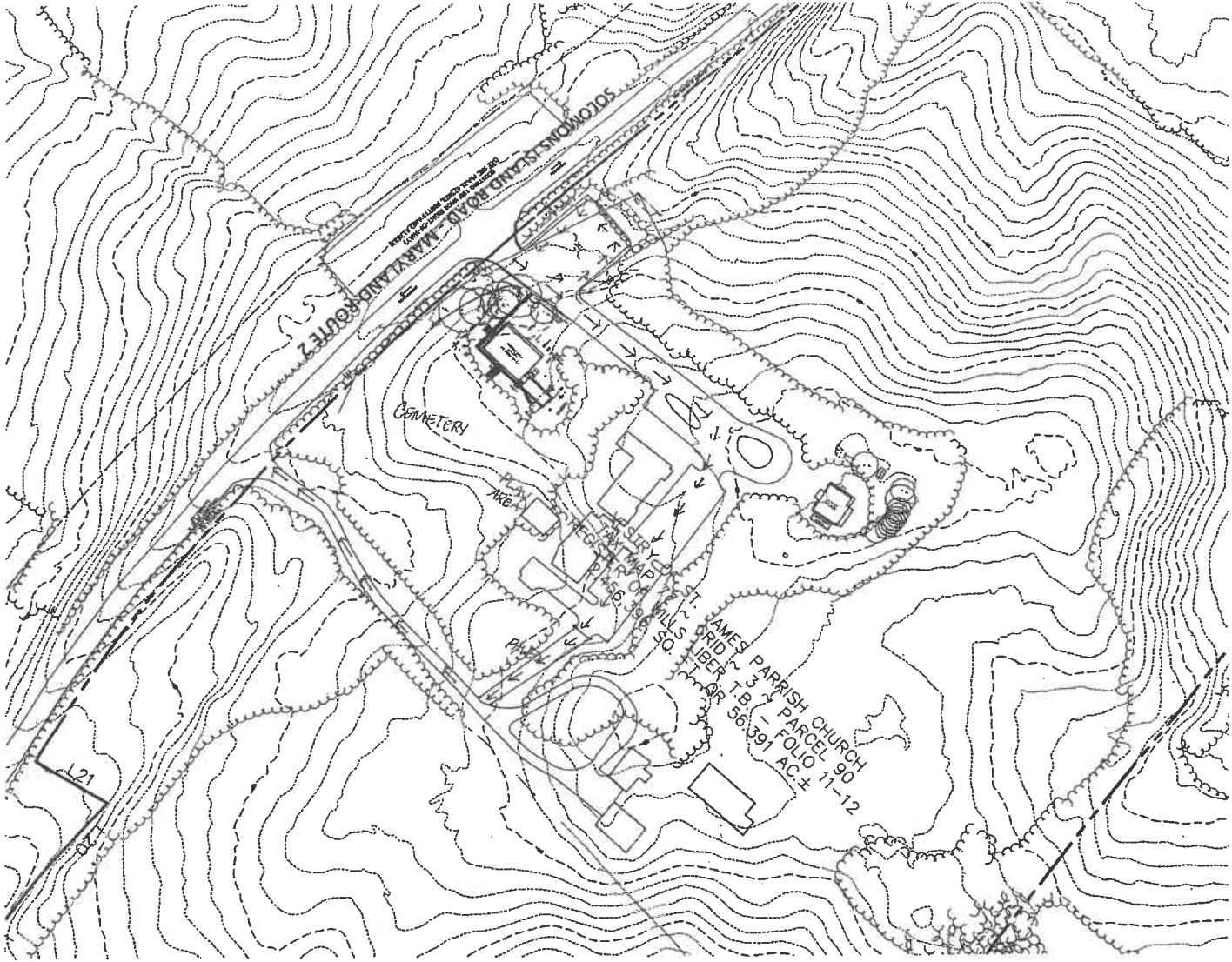
§ 18-16-304. Special exceptions.

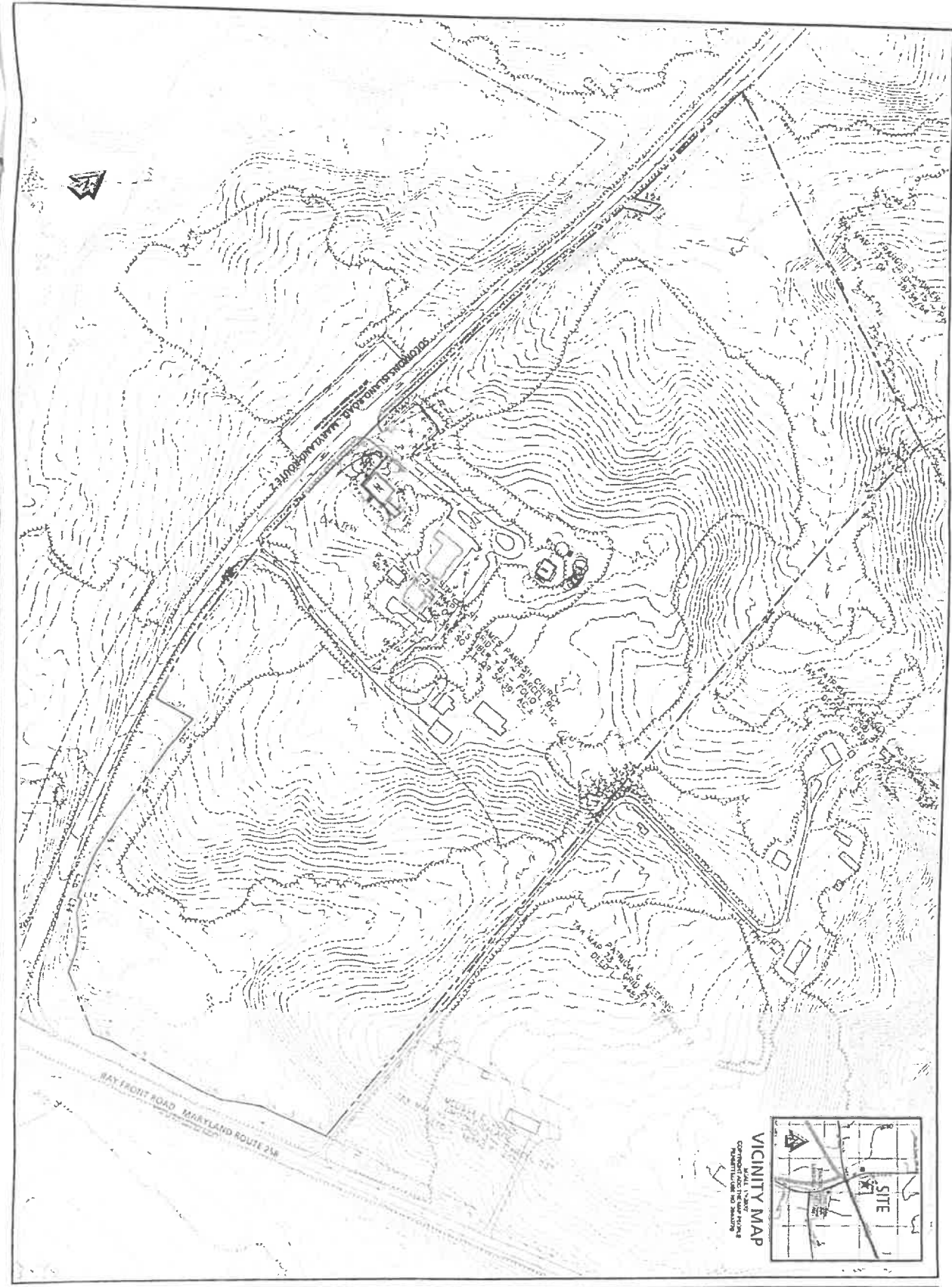
(a) **Requirements.** A special exception use may be granted only if the Administrative Hearing Officer makes each of the following affirmative findings:

- (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)





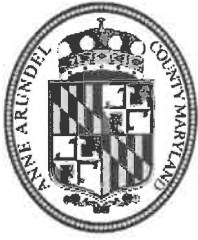
1001
SITE PLAN
SKETCH PLANS
ST. JAMES EPISCOPAL CHURCH
 7000 MAP 77, R. 2, P. 3, PARCEL, 80
 MARSHFIELD TOWNSHIP, ST. ANDREW'S PARISH, BRUNSWICK COUNTY, NC
 PREPARED BY: BAY ENGINEERING INC., BRUNSWICK, NORTH CAROLINA
 DATE: 10/11/05

NO.	DATE	DESCRIPTION

Bay Engineering Inc. 
 150 Andrews Church Place, Suite 115
 Raleigh, North Carolina
 919 879 2800
 4300 26th Street
 #207 Raleigh, NC
 www.bayengineering.com

10/11/05
 License No. 37470
 Expiration Date

Revisions				
No.	By	Date	Description	



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE MEETING

DATE OF MEETING 7.8.2022

P&Z STAFF Sumner Handy, Lori Allen, Eric Ketterling

APPLICANT/REPRESENTATIVE Jessica Mudd EMAIL jessmudd@verizon.net

SITE LOCATION 5757 Solomons Island Road, Lothian LOT SIZE 59.23 acres ZONING RA

CA DESIGNATION _____ BMA or BUFFER _____ APPLICATION TYPE special exception

The applicant proposes to modify a previously approved special exception approval for a child care center other than as a home occupation. The applicant proposes to increase the maximum allowable enrollment from 100 to 125 children and the maximum allowable number of children on-site at one time from 40 to 65. The applicant proposes to expand operations within the building that operations are already established in by increasing the number of students allowed in the already-approved room 2A, and by using room 1/1A as part of the child care center.

COMMENTS

The Development Division commented that the increase in students will require that the applicants submit a Preliminary Plan and Site Development Plan application. Adequacy of Public Facilities (APF) must be addressed with the applications. A modification to these processes may be entertained provided the criteria for approving a modification is met and that APF is addressed with the modification application.

The Long Range Planning Division noted that Plan2040 does not have recommendations specific to this site. The proposed expansion is generally consistent with the goals, policies, and strategies of Plan 2040, and the proposal is consistent with the 2017 Water and Sewer Master Plan.

The Zoning Division notes that the fenced play area is not shown on the site plan submitted with the pre-file application. Please draw it on the site plan submitted with the application. (The variance granted in case number 2011-0139-S and 2011-0140-V to allow this play area in front of the church facility will not be a subject of this hearing, and it is allowed to remain provided its dimensions have remained the same as they were on the site plan submitted as part of that application.) The Zoning Division has discovered no need variances.

INFORMATION FOR THE APPLICANT

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

*** A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.