

Special Exception Requirements
Sec. 59-G-1.2. Conditions for granting.

59-G-1.21. General conditions.

(a) A special exception may be granted when the board, the hearing examiner, or the district council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

- (1) Is a permissible special exception in the zone.

The use is so allowed.

- (2) Complies with the standards and requirements set forth for the use in Division 59-G-2.

The use complies with these standards.

- (3) Will be consistent with the general plan for the physical development of the district, including any master plan or portion thereof adopted by the Commission.

The proposed use is consistent with all applicable master plans.

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

The surrounding neighborhood is fully rural and agricultural in character. The proposed use will be in harmony with the neighborhood considering these criteria.

- (5) 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.

With the conditions recommended, the use will not have detrimental impact for any of these reasons.

- (6) Will not, when evaluated in conjunction with existing and approved special exceptions in the neighboring one-family residential area, increase the number, intensity or scope of special exception uses sufficiently to affect the area adversely or alter its predominantly residential nature. Special exception uses in accord with the recommendations of a master or sector plan are deemed not to alter the nature of an area.

Not applicable, as area is not residential.

- (7) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area;

The use will not have such adverse affect on the area or its' residents.

- (8) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.

If the special exception use requires approval of a preliminary plan of subdivision in accordance with chapter 50 of this Code, title "Subdivision of Land," the adequacy of public facilities will be determined by the Planning Board at the time of subdivision approval. In that case, the Board of Appeals must include such Planning Board approval as a condition of the grant of the special exception.

Subdivision will be required when building permits are requested for proposed structures, but the petitioner can operate without the structures that would require a building permit. So subdivision may not be required for the use to begin operation. Schools are not relevant to this use. Police, fire, public roads, and storm drainage will be adequate for the use proposed. Water and septic facilities are being reviewed by the Department of Permitting Services, Division of Well and Septic. They will determine adequacy of those public facility elements.

Specific Conditions

Sec. 59-G-2.13.1. Child day care facility.

- (a) The Hearing Examiner may approve a child day care facility for a maximum of 30 children if:

- (1) a plan is submitted showing the location of all buildings and structures, parking spaces, driveways, loading and unloading areas, play areas, and other uses on the site;

A plan indicating all required elements was submitted by the applicant.

- (2) parking is provided in accordance with the parking regulations of article 59-E. The number of parking spaces may be reduced by the Hearing Examiner if the applicant demonstrates that the full number of spaces required in section 59-E-3.7 is not necessary because:

- (A) existing parking spaces are available on adjacent property or on the street abutting the site that will satisfy the number of spaces required; or

- (B) a reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems;

Sec. 59-E-3.7 of the Zoning Ordinance states the off-street parking space requirements for a child day care center is one space for every non-resident staff member, in addition to the residential parking requirement. The requirement for average drop off and pick up is one space for every six children with adequate parking for discharge and pick up of children.

The proposal for the 165-acre Calleva site will provide sufficient area for up to 15 vehicles and 14 buses in two specified parking areas by the barn/office and by the activities area. If occasional additional parking is required, the long circular driveway can provide additional parking areas.

The parking areas include parking for 4 staff and 3 visitors by the barn, and 10 staff and 14 buses by the activities area.

The applicant requests this parking plan and reduced number of spaces since the children and most staff members will arrive at the site by buses. The one-way loop design of the driveway allows an efficient means to discharge and pick up the children.

- (3) an adequate area for the discharge and pick up of children is provided;

There is sufficient space in the bus parking area for the buses to safely drop off and pick up the children.

- (4) the petitioner submits an affidavit that the petitioner will:

- (A) comply with all applicable State and County requirements;
- (B) correct any deficiencies found in any government inspection; and
- (C) be bound by the affidavit as condition of approval for this special exception; and

The applicant has submitted such an affidavit stating compliance to the above-cited conditions.

- (5) the use is compatible with surrounding uses and will not result in a nuisance because of traffic, parking, noise or type of physical activity. The hearing examiner may require landscaping and screening and the submission of a plan showing the location, height, caliper, species, and other characteristics, in order to provide a physical and aesthetic barrier to protect surroundings properties from any adverse impacts resulting from the use.

Traffic generated by Calleva will be controlled because the children will all be dropped off and picked up by buses that will also bring most of the counselors.

Noise from loading and unloading the campers and, and noise from their activities will not disturb the surrounding areas because the large size of the property which is also buffered by woodland and stream valleys along its borders. The proposed outdoor recreational activities for the children will not create a nuisance for the surrounding area.

(b) A child day care facility for 31 or more children may be approved by the Board of Appeals subject to the regulations in subsection (a) above, and the following additional requirements:

(1) a landscaping plan must be submitted showing the location, height or caliper, and species of all plant materials; and

A Landscaping and Lighting Plan was submitted indicating existing and proposed landscaping in the vicinity of the dwelling on the site. No additional landscaping or lighting is proposed or necessary in this remote rural location. The site is not visible from any off-site dwellings, and is over 900 feet from the closest off-site dwelling.

(2) in the one-family residential zones, facilities providing care for more than 30 children must be located on a lot containing at least 500 square feet per child.

Not applicable since this site is located in the Rural Density Transfer Zone, an agricultural zone; however the proposed 165-acre site provides approximately 36,000 square feet per child at maximum, not standard, capacity.

(c) The requirements of section 59-G-2.13.1 do not apply to a child day care facility operated by a nonprofit organization and located in:

(1) a structure owned or leased by a religious organization and used for worship; or

Not Applicable

(2) a structure located on premises owned or leased by a religious organization that is adjacent to premises regularly used as a place of worship; or

Not Applicable

(3) a structure used for private parochial educational purposes which is exempted from the special exception standards under section 59-G-2.19(c); or

Not Applicable

(4) a publicly owned building.

Not Applicable