

CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT

June 23, 2006

SUBJECT:

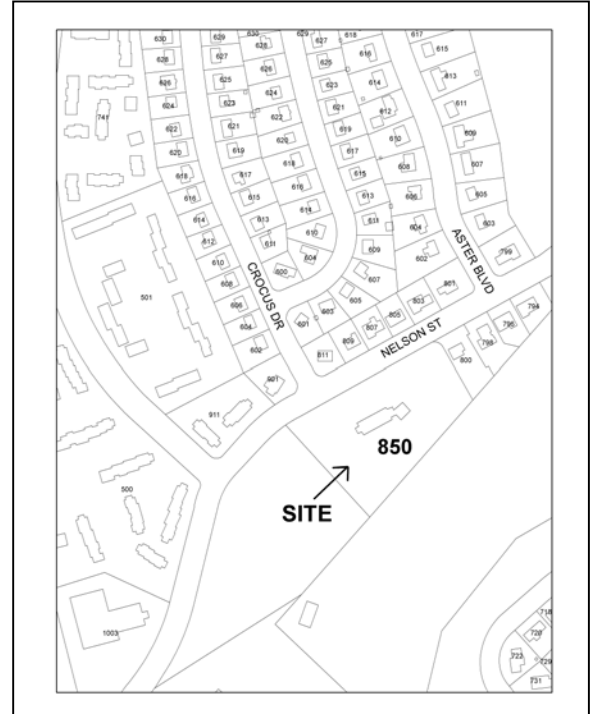
Special Exception Application SPX2005-00363

Applicant: Georgetown Hill Child Care Center
c/o Linda Tecler
850 Nelson Street
Rockville, Maryland 20850

Property Owner: Bell & Beck LLC
101 West Jefferson Street
Rockville, Maryland 20850

Property Location: 850 Nelson Street
Rockville, Maryland 20850

Planning Commission Review Date: June 28, 2006
Board of Appeals Public Hearing Date: July 8, 2006



PREVIOUS RELATED ACTION:

Special Exception S-197-73, Woodley Gardens Swim Club, a request to operate a private educational institution (i.e., Day Nursery & Kindergarten) on the subject property (then) zoned for R-S (Residential Suburban) land usage. Approved by the Board of Appeals on November 10th 1973.

Special Exception S-1-75, David Porter, a request to expand building facilities and increase the number of children enrolled at an existing private educational institution on the subject site, located in the R-90 (single family detached, restricted residential) zone. Approved by the Board of Appeals on April 12th 1975.

Use Permit U-29-76, David Porter, a proposal to construct a 1,054 square foot building addition for use as classroom space, on the existing swim club building located on the subject site. Approved by the Planning Commission on March 31, 1976.

Special Exception S-58-79, Mary B. Marienthal, a request to reestablish a private educational institution (kindergarten/day care) at the subject location i.e., a replacement of the previous site use. Approved by the Board of Appeals on March 3rd 1979.

Special Exception SPX98-0274, Ellen Cromwell, a request to establish and operate a private school at the subject location within the R-90 (single family detached, restricted residential) zone. Approved by the Board of Appeals on March 6, 1999.

Special Exception SPX2000-00286, Ellen Cromwell, a request to modify two (2) of the approval conditions imposed on previously approved SPX98-0274. Board of Appeals voted to modify hours of operations for the subject private school to operate weekdays between the hours of 7:00 a.m. to 7:00 p.m. and maintain all other conditions of approval imposed under the subject application request. Board of Appeals voted modified approval of the request on June 3rd 2000.

Special Exception SPX2000-00296, Ellen Cromwell, a request to modify condition of approval #2 imposed on previously approved SPX98-0274, along with a proposal to construct a new classroom (building) addition onto the existing day care operation, located in the east wing of the of the Woodley Gardens Swimming Pool clubhouse building. Board of Appeals voted to modify said condition of approval as well as the planned building expansion for the existing childcare operation on March 3rd 2001.

Use Permit Amendment USA1976-0029A, John T. Bell, a proposal to construct a new classroom building addition on the rear east wing of the existing "Woodley Gardens" swimming pool clubhouse to accommodate an increase in the private day school's student enrollment. Approved by the Planning Commission on July 11th 2001.

REQUEST:

In accordance with Section 25-296 of the Zoning Ordinance, the applicant seeks special exception approval to construct new classroom space and increase the number of the children attending the existing private day school located within the R-90 (single family detached, restricted residential) zone. The applicant plans to construct a new building addition on the rear of the existing childcare facility, which is the east wing of the swimming pool's the clubhouse, to accommodate 27 additional children. The center currently has an enrollment limit of 96 children and the applicant seeks approval to increase the enrollment limit to 123 students.

STAFF RECOMMENDATION:

Approval is recommended subject to the following conditions:

1. Student arrival and departures are to be confined to on-site travel-ways and parking areas. During student drop-off and pick-up, vehicles attempting to access the site may not stand on nor impede traffic flow movements on Nelson Street.
2. The maximum enrollment at the school will be 123 students and a maximum of 105 children allowed on site at any one time.
3. The school will be operational weekdays between 7:00 a.m. to 7:00 p.m.

4. The school must be operated in substantial accordance as represented in the subject application requests, i.e., amount of floor space and classroom/s to be created and occupied, student enrollment limits, educational offerings, hours of operations, etc.
5. The proposed building addition must be constructed of building materials similar in make, color, and quality to that of the existing building.
6. Amend site parking tabulation on proposed site development plan, to be consistent with work description as submitted with the special exception request, the overview of the child care operation, describing site use/s and the number of on site parking spaces required and provided, i.e., using applicable requirements for “swimming pool, private, membership (nonprofit); private, (commercial); public (commercial and public); and educational institution (ref. Section 25-395 of the Zoning Ordinance).

ANALYSIS:

Property Description

The property is approximately 3.23 acres in size and was developed in the early 1960's as a private community swimming pool. The swim club has been operational for well over thirty (30) years. Since the early 1970's, a modest portion of the swimming pool's clubhouse has also accommodated several private day care/kindergarten providers. The building is one story in height and is predominately of masonry construction. The southeast wing of the building is however of frame construction. Located to the rear of the building's east wing is a fenced outdoor playground which contains an assortment of children's play equipment, i.e., a swing set, slides, climbing and play benches, etc. To the west of the fenced outdoors play area is the swim club's pools, a large conventional size pool and a smaller wading pool. The pools are surrounded by concrete surface decking and are located to the rear of the building. The pools are fenced so that direct access is only via the building/clubhouse.

The subject property is located on the south side of Nelson Street, directly across from the terminus of Crocus Drive. The site has surface parking facilities containing 77 vehicular parking spaces. Vehicular access to the site is by way of dual site entrances on Nelson Street (see Exhibit 3). The outdoor swim facility is seasonal and is operational only between the months of June and September. The applicant's existing day care operation, which occupies the eastern section of the clubhouse building, is operational year round, Monday thru Friday between the hours of 7:00 a.m. to 7:00 p.m. The subject property contains an array of mature trees and other vegetative materials, all ranging in species and size. The site's topography ranges from flat to gentle sloping. The property is bound on the on the north and northeast by single-family residences, and on the southeast, south, and west by city parkland, Woodley Gardens Park.

Proposed Site Use

The applicant (Georgetown Hill Child Care Center, Inc.) seeks approval to modify previously approved Special Exception SPX2000-00296. The applicant seeks approval to expand the building capacity of the existing private day school by constructing a 2,300 square foot building addition. The existing center provides before and after childcare and educational services programs to pre-school and school aged children. As noted in the applicant's previously approved special exception request SPX2000-00296, the subject private school replaced a kindergarten/day care provider that had operated out of the subject location, several years prior to the applicant's operation. The present childcare provider was formally established under approved Special Exception SPX98-0274. The proposed new classroom addition is being constructed to accommodate an increase of twenty-seven (27) additional children. Under the applicant's previously approved special exception SPX2000-00296, the subject private day school has a maximum enrollment limit of 96 children, with a maximum of 78 children allowed on site at any one time.

Aerial Overview of 850 Nelson Street



The new 2,300 square foot classroom building addition is to be constructed on the rear of the existing (28' x 28') classroom building addition that was constructed several years ago in accordance with previously approved SPX2000-00296 and USA1976-0029A. The now proposed new addition will be an expansion of the east building wing where the existing day care operation is currently located (See Exhibit 4). The portion of clubhouse/east building wing that currently accommodates the subject private day school consists of three (3) large classrooms, supplemented by administrative support space, restrooms, and general storage area. Under the request as submitted, the proposed new classroom addition will allow the applicant to increase the center's total maximum enrollment capacity from 96 to 123 children.

The center will continue to operate between the hours of 7:00 a.m. and 7:00 p.m., weekdays, year round. Under the application as submitted, the applicant does note that the center presently operates between the hours of 7:30 a.m. to 6:30 p.m., in keeping with parent demand. The school will continue to be closed on federal holidays and days that county public schools are closed due to inclement weather. At the time of the applicant's previously approved special exception (SPX98-0274) the before school program was to operate between 7:00 a.m. to 8:30 a.m., the main program between 8:30 a.m. to 3:00 p.m., and the after school program between the hours of 3:00 p.m. to 7:00 p.m. Currently, the applicant affirms that there are 48 children enrolled at the center, well below the 96 currently allowed. Under the subject request, the applicant affirms that there will be a total of 123 children enrolled and not more than 105 on site at any one time. The applicant notes that it will take two (2) to three (3) years to reach this enrollment capacity. According to the information provided, it is expected that there will be a total of fourteen (14) staff members (teachers and support personnel) employed by the school.

While staff notes that there is sufficient on-site parking to accommodate the expanded educational site use and the swimming pool facility when both are operational, the applicant must clearly reference on the site development plan, the applicable parking required and provided in accordance with Section 25-395 (14)&(32) of the Zoning Ordinance. Children enrolled at the center will continue to be dropped-off and picked-up by their parents or in some cases by a relative or close family friend. Since startup and ending times differ for each of the respective programs that the school offers, student site arrivals and departures will be staggered. Hence, based on the information as provided, there is no evidence the proposed expanded child care center would substantively increase the amount of vehicular traffic generated by the site use, nor would it exceed the City of Rockville's "peak hour threshold" of 30 vehicle trips during the a.m. and p.m. travel hour.

Applicable Sections of the Zoning Ordinance & Staff Analysis

In accordance with Section 25-338 of the ordinance, the Board of Appeals shall not grant any petition for a special exception unless it finds from a preponderance of the evidence of record that:

1. The proposed use does not violate or adversely affect the Master Plan (the plan), the Zoning Ordinance or any other applicable law; and

The proposed expanded day school use will not violate or adversely affect the plan or any laws of the city. The land use designation of the subject property as assigned by the plan is for "private recreational and conservation area" land usage. The continued use of the property for both private recreational and educational purposes has been deemed to be in keeping with the land use as identified by the plan, as is evidenced by previous grants of special exceptions allowing the establishment of "private educational" uses on site. While the existing day school is operational twelve (12) months out of the year, the use is not the predominate use of the property. In allowing "private educational institutions" in respective residential zones as special exception land uses, inference is made from the ordinance that these uses are appropriate in a given zone if it is demonstrated the use will not be adverse to the public health, safety, and welfare. As previously noted, a private day care/kindergarten and the site's swimming pool have operated at the subject location for well over 25 years. The planned new building addition if constructed as proposed complies with all applicable requirements of the ordinance, i.e., lot coverage, building height and setback requirements of the R-90 Zone.

Aerial View From Site Front



2. The proposed use at the location selected will not: a) Adversely affect the health and safety of residents in the area; or b) Overburden existing and programmed public facilities as provided in Article XVI of this Chapter and as provided in the adopted Adequate Public Facilities Standards; or c) Overburden existing and programmed storm drainage and other public improvements; or d) Be detrimental to the use or development of adjacent properties or the neighborhood; or e) Change the character of the neighborhood in which the use is proposed, considering services currently required, population density, character, and number of similar uses; and

The Woodley Gardens Swim Club was constructed in the early 1960s. In 1973 the swim club was granted special exception approval to operate a day nursery and kindergarten (ref. S-197-73). The Board of Appeals later amended this original approval in 1975, "to allow an increase in the number of children that could be cared for by the center at any one time, to a total of 75 children". Since that original approval, similar private "educational institutional" uses have operated (under varying providers and grants of special exception) out of the subject site location.

The applicant will continue to operate the expanded day care center in reasonable accordance with the evidence of record and testimony provided under its previously approved special exception (SPX2000-00296), i.e., hours of operation, educational programs offered to students, staggered arrival and departure times of children enrolled at the school, etc. The planned building addition will be constructed on the rear of the existing building and not be overly visible from the site's street frontage along Nelson Street. As a condition of approval, staff recommends the new building addition be designed and constructed with building materials similar in make, color, and quality to that of the existing building.

While the applicant plans to increase the maximum student enrollment by twenty-seven children, the applicant's traffic consultant has found, and staff concurs that the planned increase of the additional children will not generate greater than 30 a.m. and p.m. peak hour trips. Based on available information there is no evidence the added vehicular traffic generated by the proposed expanded center will overburden site area roadways. Due to the continued staggering of student site arrivals and departures, it is highly unlikely vehicular traffic generated by the expanded center will alter or adversely impact traffic flow in and around the subject site. The applicant is expected to continue to insure that all student arrivals and departures take place on the subject property.

Based on the size and intended use of the planned building addition, it is highly unlikely that public facilities and services within the site area will require substantive upgrade or alteration in order to serve the overall site use. Staff therefore finds that the application meets the adequate public facilities standards. The applicant affirms that the center will continue to operate much as it has over the course of the last several years. At present time there are 48 children enrolled at the center. As noted, under its previously approved special exception SPX2000-00296, the

center's maximum student enrollment was not to exceed 96 children, with a maximum of 78 children on the premises at any one time.

As noted, the proposed building addition will be approximately 2300 square feet in size and constructed on the rear of the existing day school's classroom facilities. Staff has found no evidence the new building addition and expanded center will be detrimental to surrounding properties or alter the character of the site area. Based on the size of the school, its weekday hours of operation, all coupled with the seasonal operation of the swim club, staff found no evidence the site uses collectively would be detrimental to the community. The swim club property has been located within the subject community for well over three (3) decades. The property is bounded by residential and recreational land uses. The land use patterns within the subject site area are well established and highly unlikely to be altered by the planned two classroom expansion of the site's day care operation. Since the proposed site use is permitted in the R-90 zone only by grant of special exception, such regulatory oversight by the zoning ordinance will continue to insure that there will not be a proliferation of similar land uses within the site area.

3. The proposed use complies with the requirements of the Zoning Ordinance that are applicable thereto.

As per Section 25-296 of the Ordinance, the applicant submits the subject application request attempting to comply with all requirements associated with the planned expansion of the subject special exception use within the R-90 zone. Since the applicant plans to expand the existing day care facilities and increase the maximum student enrollment from 96 to 123, the subject request is submitted in accordance with Section 25-339 (c) of the Ordinance.

As per Section 25-356(b)(1)c.2. of the Ordinance, the following special development and use requirements apply to the use proposed:

Where the maximum attendance at any one (1) time exceeds forty (40) students, such institution must have: (i) A lot area of at least one (1) acre plus seven hundred (700) square feet for each student in excess of sixty (60); (ii) A lot frontage of at least two hundred (200) feet; and (iii) Building setbacks at least fifty (50) feet in the front yard, side yards equal to at least two (2) times the height of the tallest institutional building located on the lot which is proximate to the side yard, and a rear yard of at least fifty (50) feet.

There will be a total of 123 children enrolled in the proposed private day school. The subject site is approximately 3.2 acres in size, well in excess of the 68,760 square foot lot size required for the proposed site use. The site has 457 feet of lot frontage along Nelson Street, greatly exceeding the minimum frontage required. Lastly, the proposed building addition (like the existing building) will be one-story in height and is setback 50 feet from the rear yard lot line.

Based on all of the noted factors, staff recommends Special Exception SPX2000-00296 be approved subject to the conditions as referenced on page two of this staff report.

COMMUNITY NOTIFICATION PROCESS

Notification cards were sent to surrounding property owners informing them of the application request and upcoming Planning Commission review and Board of Appeals public hearing where the request will be publicly considered. Notices were sent to 685 addresses located within the subject site area. A list of addresses to which notices were sent is contained in the project's application file for public review and inspection.

/cdc

List of Attachments:

Exhibit "1" – Photocopy of Site Record Plat

Exhibit "2" – Photocopy of City Zoning Map

Exhibit "3" – Proposed Site Development Plan

Exhibit "4" – Proposed Floor Plan and Building Elevation

Attachment "A" – Authorization Letter

Attachment "B" - SPX298-0274) Approval Letter

Attachment "C" - SPX2000-00286 Approval Letter

Attachment "D" – SPX2000-00296 Approval Letter