



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of January 24, 2009**

**DATE:** January 14, 2009

**SUBJECT:** U-2479-85-5 USE PERMIT AMENDMENT to child care use at 2706 24<sup>th</sup> Road South (School of Children) (RPC #31-034-023)

**Applicant:**

Rosalee Lightner, Owner  
School of Children  
2706 24<sup>th</sup> Road South  
Arlington, Virginia 22206

**C. M. RECOMMENDATION:**

Approve the use permit amendment, subject to all previous conditions, with an administrative review in one (1) year (January 2010) and a County Board review in three (3) years (January 2012).

**ISSUES:** This is a use permit amendment to change the ages of children cared for from 2-12 to infants -12 years at the School of Children and no issues have been identified.

**SUMMARY:** The School of Children is requesting a use permit amendment to change the ages of child care from two (2) to twelve (12) years to infants to twelve (12) years. The change in ages is not anticipated to have impacts on land use. The existing school is in compliance with County Child Care Codes, the approved conditions, and there have been no complaints during this review period. Given that the use permit was approved in 1985 and reviewed several times, staff is recommending the use permit be administratively reviewed in one (1) year and reviewed by the County Board again in three (3) years. Therefore, staff recommends approval of the use permit amendment, subject to all previous conditions, with an administrative review in one (1) year (January 2010) and a County Board review in three (3) years (January 2012).

**BACKGROUND:** The applicant has provided day care services in conjunction with the Lomax A.M.E. Zion Methodist Church under use permit approval since 1966. The subject use permit was granted in 1985. The use permit was amended in January 2004 to increase enrollment in the center from 55 to 125 children, and in March 2004 to expand the ages of the children in care from two (2) to eight (8) years to two (2) to 12 years. When the use permit was reviewed in 2004, it was renewed with no further County Board review.

County Manager: \_\_\_\_\_

Staff: Melanie Wellman, DCPHD, Planning Division

PLA-5156

Site: The child care center is located in the Lomax A.M.E Zion Methodist Church. The church is located on 24<sup>th</sup> Road South between South Shirlington Road and South Glebe Road in Nauck. The site is designated as a Historic District.

Zoning: The site is zoned “RA7-16” Apartment Dwelling Districts.

Land Use: The site is designated on the General Land Use Plan (GLUP) as “Medium” Residential (32 – 72 dwelling units per acre).

Neighborhood: The site is located in the Nauck Civic Association. The Nauck Civic Association has been notified and, to date, has not provided a response on the use permit amendment request.

**DISCUSSION:** In March 2004, the applicant for the School of Children requested a use permit amendment to change the age range from two (2) to eight (8) years to two (2) to twelve (12) years. New Condition #4 was created to state that the ages “shall not exceed twelve (12) years of age.” The applicant recently attempted to update the Certificate of Occupancy through the Zoning Office to care for children infants – 12 years of age, but was unable to do so. The minutes from the March 13, 2004 County Board meeting are more specific than the conditions of the use permit, stating that the applicant is approved for ages two (2) to twelve (12) years, since that is what the applicant was requesting at that time. Staff supports the proposed change in ages, as the use will have no impacts on land use, and the School is in good standing with the Child Care Office. Staff recommends that Condition # 4 remain as is.

**CONCLUSION:** The proposed use permit amendment to expand the ages of the children from two (2) to twelve (12) years to infants – twelve (12) years is not anticipated to have an impact on land use. The existing child care center has operated in compliance with conditions, County Child Care Codes, and without complaints. Therefore, staff recommends approval of the use permit amendment, subject to all previous conditions, with an administrative review in one (1) year (January 2010) and a County Board review in three (3) years (January 2012).

PREVIOUS COUNTY BOARD ACTIONS:

September 10, 1966	Approved use permit (U-1728-66-1) for a child care center for 50 children. Renewed annually through 1974.
March 7, 1970	Deferred use permit (U-1831-70-2) for a child care center - Harvey's Nursery.
March 25, 1970	Accepted withdrawal of use permit (U-1831-70-2) for a child care center.
June 1, 1974	Approved use permit (U-1976-74-3) to increase the maximum enrollment authorized under the previous use permit (U-1728-66-1) from 50 to 75 children - Lomax Child Care Center. Renewed annually through 1977 at which time renewal was not requested.
September 11, 1982	Accepted withdrawal of a use permit request (U-2344-82-4) for a child care center.
August 18, 1984	Authorized advertising an October 13, 1984 public hearing on Historic District designations for the Arlington Post Office at 3118 Washington Boulevard and the Lomax African Methodist Episcopal Zion Church at 2706 - 24th Road South.
October 13, 1984	Approved Historic District designation for the Lomax AME Zion Church and .86 acre of the site zoned "R2-7", Two-Family Dwelling District, at 2706 - 24th Road South.
November 15, 1985	Approved use permit (U-2479-85-5) for a day care center for up to 55 children, ages 2 to 8 years, from 7:00 a.m. to 6:00 p.m., weekdays with a review in one (1) year.
December 2, 1986	Continued use permit (U-2479-85-5) for a day care center for up to 55 children with a review in one (1) year.
December 12, 1987	Continued use permit (U-2479-85-5) for a day care center for up to 55 children with a review in three (3) years.

December 8, 1990	Continued use permit (U-2479-85-5) for a day care center for up to 55 children with a review in five (5) years.
April 6, 1991	Approved General Land Use Plan Amendment GP-226-91-1 from " Service Commercial;" personal and business services, generally one to four stories, and maximum 1.5 floor area ratio; and "Service Industry;" wholesale, storage, and light manufacturing uses including those related to building construction activity; to "Medium" Residential, 37 to 72 units per acre, at 2704 South 24th Road.
	Took no action on Rezoning Z-2399-91-1 from "R2-7," Two-Family and Town House Dwelling District, and "M-1," Light Industrial District, to "RA6-15," Apartment Dwelling District,
	Rezoned 2704 South 24th Road from "R2-7," Two-Family and Town House Dwelling District, and "M-1," Light Industrial District, to "RA7-16," Apartment Dwelling District, pursuant to application Z-2399-91-1.
	Approved site plan #294 for construction of a nine-story apartment building with 111, revised to 101, units and associated surface and underground parking for the parcel of real property known as 2704 South 24th Road.
March 5, 1994	Approved a site plan amendment to extend the site plan term for three years from April 6, 1994 to April 6, 1997, for the parcel of real property known as 2704 South 24th Road.
December 9, 1995	Continued use permit for a day care center for up to 55 children with no further review.
January 10, 2004	Approved use permit amendment (U-2479-85-5) for a day care center for up to 125 children with a review in one (1) year. (January 2005)
March 13, 2004	Approved use permit amendment (U-2479-85-5) to change the ages to 2 to 12 years and to change the hours to 6:00 am to 7:00 pm, Monday through

Friday with an administrative review in ten (10) months (January 2005) and no further review by the County Board.

Approved Conditions:

1. The applicant agrees that maximum enrollment shall not exceed 125 children.
2. The applicant shall encourage all parents to use the church parking lots when dropping off and picking up children and to escort their children from the parking lots to the center.
3. Meet the requirements of the Child Care Ordinance, Community Inspections Office, and Fire Marshal, including the installation of smoke/alarm detectors.
4. The applicant agrees that the ages of the children in care shall not exceed 12 years of age and that the hours of operation shall be limited to 6 a.m. to 7 p.m., Monday through Friday.