



ARLINGTON COUNTY, VIRGINIA

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

DATE: January 13, 2009

SUBJECT: U-2914-97-5 USE PERMIT REVIEW for a private elementary school; premises known as 5700 Lee Hwy (RPC #10-002-001, -007)

Applicant:

Lyle Peterson, Chair
Board of Directors
Rivendell School
5700 Lee Highway
Arlington, Virginia 22207

C. M. RECOMMENDATION:

Renew, subject to all previous conditions, two (2) new conditions, and a County Board review in five (5) years (January 2014).

ISSUE: This is a review of a use permit for a private elementary school for 150 students. The neighborhood has expressed concerns about traffic and the use of the Lee Center Park as the school's playground. These issues are addressed in a newly created MOU (which is being finalized) and in the proposed new conditions.

SUMMARY: This use permit is for Rivendell School, a private elementary school for 150 students that was originally approved at this location by the County Board in 1997 (it had previously been located in Ballston). The school has operated since then in compliance with the use permit conditions and the County and State codes. However, neighbors have had concerns since then with traffic during pickup and drop-off periods, parents parking in the neighborhood during school events, and the use of the Lee Center Park as the school's playground. Transportation staff has observed the pickup and drop-off and found that there is frequent carpooling, multiple students per vehicle, and the pickup and drop-off periods do not last long enough to negatively impact general traffic. The Department of Parks, Recreation, and Cultural Resources (PRCR) has not found damage to the park directly attributable to Rivendell School alone, and has no objections to the school's use of Lee Center Park as the school's playground. The school's use of the park, and the rights and responsibilities of the school and PRCR, is established in a Memorandum of Understanding between the two parties, which is being finalized. Therefore, it is recommended that the use permit be renewed, subject to all previous conditions, two (2) new conditions, and a County Board review in five (5) years (January 2014).

County Manager: _____

Staff: Peter Schulz, CPHD, Planning Division

PLA-5176

BACKGROUND: The Rivendell School is a nondenominational Christian school which serves grades Kindergarten through eight. The school has operated in Arlington County under use permit approval since 1989. In 1997, the school relocated to its current location at 5700 Lee Highway. The use was last reviewed by the County Board in June 2003 with a County Board review in five (5) years. Prior to the last review, renovations were completed on the Wagner Chapel located adjacent to the main school building. The space now is used by the school for special gatherings mainly on Fridays.

The use permit has been deferred since June in order for staff to study the issues the community had raised regarding traffic and use of the park, and to draw up a memorandum of understanding between the applicant and the Department of Parks, Recreation, and Cultural Resources (PRCR).

DISCUSSION: The school has continued to operate at this location in compliance with the conditions of the use permit. The school continues to operate from 9 a.m. to 3 p.m. on Monday, Tuesday, Thursday and Friday, and from 9 a.m. to 1 p.m. on Wednesday throughout the academic year. The school is currently at the permitted maximum enrollment of 150 students.

Since 1997, there have been concerns expressed by some neighbors about traffic, parking, and the school's use of Lee Center Park as the school's playground. The site was formerly a Methodist Church, and the facilities date from the 1940s to the 1960s. The parking lot on site has 14 spaces, and exceeds the Zoning Ordinance requirement of a minimum of one parking space for each twenty students of design capacity (Section 33.C.4.a.(2)). However, there is no driveway or space for off street loading and unloading of children, without displacing teachers' cars from the parking lot on to the neighborhood streets. Instead, parents drop-off children in the morning in front of a school entrance on Kensington Street, and pickup children in the afternoon at another entrance on Kentucky Street.

Because the school property is mostly built up, there was inadequate play space per guidelines, and the school, with the approval of the Child Care Office and the cooperation of PRCR, has used the Lee Center Park as the school's playground. Pursuant to approved use permit conditions, the school maintains and provides to the County a detailed schedule for each of the student recess periods. The relationship between the school and the County has also been formalized in the Memorandum of Understanding, which is being finalized.

A neighborhood resident had also expressed concern that there was excessive wear and tear on the park from the school's use of the space, but PRCR has not identified damage or excessive wear directly attributable to the school. The Lee Center Park is also home to the Lee Community Center and the park and community center receive frequent use, including a cooperative preschool at the community center. The Department of Parks, Recreation, and Cultural Resources supports the continued use of Lee Center Park by Rivendell School subject to the terms of the Memorandum of Understanding. During recess, the school's minimum ratio of one supervising adult to every 15 children meets the requirements of the Child Care Office and satisfies PRCR.

Staff from the Department of Environmental Services, Transportation Division have observed the drop-off and pickup of children and observed no disruption either to general or to through traffic. The morning drop-off period lasted about 30 minutes, and the afternoon pickup lasted no more than 20 minutes. There were about 60 cars, some of which had more than one child. At both periods school staff were assisting children to quickly and safely get in or out of the cars to allow the next parent to drive up. At the times of staff's observation, parents obeyed traffic laws while trying to keep the line moving. Through these observations, staff determined that the traffic situation causes minimal disruption to the neighborhood.

Another concern of the neighborhood was parking by parents during school events. The School currently holds about 10 events per school year, all on weekdays and all but one in the evening. As a courtesy, the school notifies the Leeway-Overlee Civic Association about these events, and creates flyers for the neighbors. Since there are 150 students, and although many students are siblings, the school's parking lot is not able to accommodate all parents, staff, and visitors, resulting in parking on the neighborhood streets. The neighborhood does not have zoned parking, and some neighborhood residents have inadequate off-street parking on their own property. Unfortunately, other nearby parking resources are not satisfactory: The Lee Community Center is open until 10 p.m. on weekdays and hosts many evening activities, and neighboring businesses along Lee Highway have nonconforming parking for their own on-site uses and have no parking within reasonable walking distance to spare. Staff has suggested to the neighborhood the possibility of zoned parking, and will continue to work with the applicant.

Since the last County Board review (June 14, 2003):

Use Permit Conditions: The use is in compliance with all the use permit conditions.

Child Care Office: The Child Care Office has reported that they have no issues with the site, and they support the renewal of the use permit.

Community Code Enforcement: Community Code Enforcement has not reported any issues with this use.

Police Department: The Police Department has not reported any issues with this use.

Fire Marshal's Office: The Fire Marshal's Office has not reported any issues with this use.

Civic Associations: The site is located in the Leeway Overlee Civic Association area. The civic association has not taken a formal position on the renewal request, but is working with the school to resolve neighborhood concerns and will be a participant in an informal annual meeting with the school, County staff, and citizens. (New Condition #5).

CONCLUSION: The Rivendell School operates in compliance with the conditions of the use permit, and has voluntarily taken steps over the years to address neighborhood concerns. In order to foster better communication with the neighborhood, the applicant has agreed to an annual meeting with county staff and the community to gauge compliance with the

Memorandum of Understanding with the County, inform neighbors of upcoming events, and foster closer relations with the surrounding neighborhood. Therefore, it is recommended that the use permit be renewed, subject to all previously approved conditions, with two (2) new conditions, and a County Board review in five (5) years (January 2014).

New Conditions:

4. The applicant agrees to inform parents in writing, at the beginning of every school year, and as often as deemed necessary by Rivendell, to obey all traffic laws when picking up and dropping off children, or visiting the school.
5. The applicant agrees to meet annually with representatives of PRCR, CPHD Planning Division, and Leeway Overlee Civic Association before the new school year begins. The applicant will also inform CA representatives at that time of upcoming school-year events. The applicant also agrees to continue to inform neighbors of the school in writing of school special events at least once per year.

PREVIOUS COUNTY BOARD ACTIONS:

December 11, 1954 to June 30, 1955	Approved use permit (U-1157-54-1) for operating a school of dance for children from four to twelve years, maximum 12 in class, Thursdays, 2:30 PM to 4:30 PM, and Saturdays, 9:30 AM to 12:30 PM.
June 9, 1956 to June 15, 1964	Continued use permit (U-1157-54-1).
July 1, 1964	Use permit (U-1157-54-1) expired.
August 6, 1955	Approved use permit (U-1183-55-1) for a preschool kindergarten, nursery and first grade for up to 50 children from three to six years from 9:15 AM to 12 noon, Monday through Friday.
June 9, 1956 to June 30, 1965	Continued use permit (U-1183-55-1).
September 9, 1967	Approved use permit (U-1769-67-3) to operate a private school for 55 children.
June 22, 1968 to June 4, 1977	Continued use permit (U-1769-67-3).
June 3, 1978	Continued use permit (U-1769-67-3) with no further review.
June 20, 1981	Approved use permit (U-2293-81-4) to increase enrollment for a private school from 60 to 75 children ages one through five from 9:00 AM to noon with a review in three years.
June 2, 1984	Continued use permit (U-2293-81-4), subject to the conditions and with no further review
April 26, 1997	Authorized advertising "On the County Board's Own Motion", a use permit request for the Rivendell School to be heard at the Planning

Commission meeting of May 27, 1997 and the County Board meeting of June 21, 1997.

June 21, 1997	Approved use permit (U-2914-97-5) for a private non- profit elementary school for up to 150 children, kindergarten through eighth grade, on weekdays from 9:00 AM to 3:00 PM with a review in one (1) year.
June 6, 1998	Continued use permit (U-2914-97-5) with a review in one (1) year.
June 12, 1999	Continued use permit (U-2914-97-5) with a review in one (1) year.
June 10, 2000	Continued use permit (U-2914-97-5) with a review in three (3) years.
June 14, 2003	Continued use permit (U-2914-97-5) with a review in five (5) years.
June 17, 2008	Deferred use permit review (U-2914-97-5) to September 13, 2008.
September 13, 2008	Deferred use permit review (U-2914-97-5) to November 15, 2008.
November 15, 2008	Deferred use permit review (U-2914-97-5) to December 13, 2008.
December 13, 2008	Deferred use permit review (U-2914-97-5) to January 24, 2009.

Approved Conditions:

1. The applicant shall meet the requirements of the Child Care Office, the Community Code Enforcement Office, the Environmental Health Bureau, and the Fire Marshal's Office, including the installation of smoke detection devices.
2. Enrollment shall be limited to a maximum of 150 children.
3. The applicant shall provide a schedule for the recess periods for students enrolled in the school. The schedule shall detail the time of day, grade levels of the groups, and the numbers of children playing at any one time. That schedule shall be submitted to the Child Care and Zoning Offices prior to the issuance of a Certificate of Occupancy.