



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of July 10, 2010

DATE: June 28, 2010

SUBJECT: U-1243-56-2 USE PERMIT RENEWAL for Busy Bee Child Care Center located at 913 23rd Street South (RPC#: 36-032-012).

Applicant:

Busy Bee Child Care Center
Aura Valarezo
913 23rd Street South
Arlington, Virginia 22202

C. M. RECOMMENDATION:

Renew the subject use permit, subject to all previous conditions and revised condition #2, with a County Board review in three (3) years (July 2013).

ISSUES: This is a use permit renewal of Busy Bee Child Care Center. No issues have been identified with the child care use. However, a variance granted by the Board of Zoning Appeals in July 2008 to encroach into the 20-foot setback for construction of an addition has expired, as the applicant has not applied for building permits and completed that construction within one (1) year after the variance was approved.

SUMMARY: This is a renewal of the Busy Bee Child Care Center located at 913 23rd Street South. On July 19, 2008 the County Board granted a use permit amendment for the Center to increase the number of children from 30 to 48 children with an expansion of the existing building. The Center has not expanded and the enrollment remains at 30 children. A variance was granted by the Board of Zoning Appeals (BZA) on July 11, 2008 to encroach into the 20-foot setback for construction of an addition. This variance has expired, as the applicant has not applied for building permits and completed that construction. Therefore, the applicant would need to go back to the BZA for approval of the variance should they wish to build the addition. This requirement is addressed in revised proposed condition #2. The use continues to operate in compliance with the approved conditions and the requirements of the Child Care Office. When the use permit amendment was approved in July 2008, the recommendation was to review one (1) year after a Certificate of Occupancy (CO) has been issued for 48 children, or in two (2) years, whichever is sooner. As a CO has not been issued for the increase in children, this is the recommended two (2) year review. A three (3) year scheduled review is recommended with this

County Manager: MB/GA

Staff: Melanie Jesick, DCPHD, Planning Division

PLA-5654

renewal, which is generally consistent with the one (1), three (3) and five (5) year review schedule for use permits, and at which time a review of the expansion and increase in children can be evaluated, if completed. Therefore, staff recommends the use permit for the Busy Bee Child Care Center be renewed, subject to all previous conditions and revised condition #2, and with a County Board review in three (3) years (July 2013).

BACKGROUND: The Busy Bee Child Care Center has operated at this site since November 1956. In April 2008, the applicant submitted a request to construct a building addition to create additional space to accommodate 18 additional children proposed for the program. The proposed building addition required a special exception from the Board of Zoning Appeals (BZA) to permit it to encroach into a required 20-foot side yard setback. The BZA approved the request at their June 11, 2008 meeting. However, since the applicant has not applied for a building permit for the work, the variance from the BZA has expired. The County Board approved the use permit amendment request for an increase to 48 children on July 19, 2008. The applicant states that at this time the enrollment remains at 30 children.

DISCUSSION: The existing day care provides care for 30 children on Mondays through Fridays from 7 a.m. to 6 p.m. There is an outdoor play area behind the Center for the children to play. The approved expansion, when complete, will add 1,472 square feet to the existing structure on the lower level and main floor, and would add an attic space on top of the new addition. A six (6) foot fence is required to be installed along the rear property line prior to issuance of a Certificate of Occupancy (CO) for the increase in children, per approved condition #7. There are no concerns with the existing operation.

The approval granted by the BZA for encroachment into the 20 foot setback has expired, as a building permit for the proposed addition was not obtained one (1) year after the BZA approved the variance on July 11, 2008. Therefore, the applicant will need to go back to the BZA for approval of the variance prior to proceeding with the addition and receiving a Certificate of Occupancy (CO) for 48 children. This is addressed in revised condition #2.

Since the last use permit review (July 19, 2008):

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

Child Care Office: The Child Care Office reports no concerns with the day care center and supports renewal of the use permit.

Community Code Enforcement: The Code Enforcement Office has not reported any issues with the use.

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

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

Civic Association: The site is located within the Aurora Highlands Civic Association. The Aurora Highlands Civic Association has been notified and responds that they voted to not oppose the renewal of the use permit for Busy Bee (letter attached).

CONCLUSION: There are no concerns with the child care center at this time. The use is operating in compliance with the use permit conditions and the requirements of the Child Care Office. Therefore, staff recommends the use permit be renewed, subject to all previous conditions, and revised condition #2, and with a County Board review in three (3) years (July 2013).

Revised condition #2:

2. The applicant agrees that the hours of operation will be weekdays from 7:00 a.m. to 6:00 p.m. with a maximum capacity of up to 48 children, provided however, that the Child Care Office may determine the final number of children that can be served in the program following the required renovations and improvements to the site. This number may be modified based on appropriate space ratios and as evidenced by the Certificate of Occupancy. The applicant agrees to obtain approval of the Board of Zoning Appeals (BZA) to encroach into a required 20-foot side yard setback prior to receiving a Certificate of Occupancy (CO) for 48 children, as the BZA approval expired June 11, 2009 since a building permit was not issued for the addition.

PREVIOUS COUNTY BOARD ACTIONS:

November 18, 1950	Approved use permit (U-1009-50-1) for a day care center for 25 children, ages two (2) to five (5) years of age, Monday through Saturday.
June 28, 1952	Continued use permit (U-1009-52-1) with a review in one (1) year (June 1953).
June 27, 1953	Continued use permit (U-1009-52-1) with a review in one (1) year (June 1954).
June 19, 1954	Continued use permit (U-1009-52-1) with a review in one (1) year (June 1955).
November 10, 1956	Approved use permit (U-1243-56-2) for a day care center for 30 children, ages two (2) to 6 years of age, Monday through Friday with a review in one (1) year (November 1957).
June 8, 1957	Continued use permit (U-1243-56-2) with annual reviews.
June 3, 1978	Continued use permit (U-1243-56-2) with no further review.
December 7, 2002	Approved use permit (U-1243-56-2) amendment to change ages from two (2) to 6 years to zero (0) to 13 years, subject to conditions in the staff report with a review in one (1) year (December 2003).
December 6, 2003	Continued use permit (U-1243-56-2) with a review in three (3) years (December 2006).
November 21, 2006	Continued use permit (U-1243-56-2) subject to the approved condition, with a review in five (5) years (December 2011).
July 19, 2008	Approved use permit amendment for U-1243-56-2 to increase enrollment to 48 children, subject to the previously approved condition, and new conditions #2-6, and with a County Board review in one (1) year after the issuance of the final Certificate of Occupancy or in two (2) years (July 2010), whichever is sooner.

Approved Conditions:

1. The applicant agrees to meet the requirements of the Child Care Ordinance, Community Code Enforcement Office, the Environmental Health Bureau and the Fire Marshal's Office, including the installation of a smoke detection system.
3. The applicant agrees that the hours of operation will be weekdays from 7:00 a.m. to 6:00 p.m. with a maximum capacity of up to 48 children, provided however, that the Child Care Office may determine the final number of children that can be served in the program following the required renovations and improvements to the site. This number may be modified based on appropriate space ratios and as evidenced by the Certificate of Occupancy.
4. The applicant agrees to require parents of children attending the program (or persons designated by the parents) to escort their children to and from the center at all times. The applicant will also prepare, in coordination with the Child Care Office and the Planning Division, a comprehensive pick-up and drop-off plan, and will obtain the Child Care Office's and the Planning Division's approval of such plan prior to the issuance of the Certificate of Occupancy. The applicant agrees to implement the approved plan and to submit written documentation to the Zoning Administrator that a letter has been distributed to the parents of the children in care explaining the procedures for dropping off and picking up children in accordance with the plan prior to the issuance of a certificate of occupancy.
5. Prior to issuance of a certificate of occupancy for a child care center, the applicant agrees to identify, in writing to the Zoning Administrator and to the Child Care Office, the location of the on-site and off-site parking that would accommodate staff associated with the proposed child care center prior to the issuance of a certificate of occupancy. Such staff parking shall not occur in any areas designated for pick-up and drop-off of children. Any off-site parking provisions shall require documentation, in writing, of the permission of the property owner.
6. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to this child care center. The name and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator, as well as to the Aurora Highlands Civic Association, prior to issuance of any building permit.
7. The applicant shall provide a written statement from the Mt. Vernon Baptist Church granting the Busy Bee Child Care Center the right to use the church's surface parking lot for staff parking and temporary parent parking for pick-up and drop-off. Such statement shall be provided to the Zoning Administrator prior to the issuance of a certificate of occupancy.
8. The applicant agrees to erect a solid 6-foot fence along the rear property line prior to issuance of a certificate of occupancy for the expanded day care center space.



June 25, 2010

Ms. Melanie Jesick
Arlington County Dept. of Community Planning, Housing,
and Development - Planning Division
2100 Clarendon Blvd., Suite 700
Arlington, VA 22201

Re: U-3019-01-1, U-1243-56-2

Dear Ms. Jesick,

Thank you for forwarding the above pending use permit reviews to the Aurora Highlands Civic Association for our review. The AHCA reviewed the permits during our June 9 monthly meeting and voted not to oppose continuation of the use permits for both U-3019-01-1, (Potomac Crescent Waldorf School), and U-1243-56-2 (Busy Bee Childcare Center).

Sincerely,

A handwritten signature in cursive script, appearing to read 'Michael Dowell'.

Michael Dowell
AHCA President
ahcapresident@gmail.com



**U-1243-56-2 USE PERMIT AMENDMENT
 913 S. 23rd St. (Busy Bee Childcare Center)
 (RPC # 36-032-012)**

Note: These maps are for property location assistance only.
 They may not represent the latest survey and other information.



Not To Scale

