



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of May 14, 2011

DATE: May 5, 2011

SUBJECT: U-3009-01-1 USE PERMIT RENEWAL for a family day care located at 300 N. Nottingham St. (RPC# 12-040-140).

Applicant:

Bennie Cole
300 N. Nottingham St.
Arlington, Virginia 22207

C. M. RECOMMENDATION:

Renew, subject to all previous conditions and with an administrative review in one (1) year (May 2012) and with no further scheduled County Board review.

ISSUES: This is a use permit renewal of a family day care. No issues have been identified.

SUMMARY: This a six-month review of a use permit for a family day care that was originally approved in 2001. The short review was a result of an issue with the compliance with DHS child care regulations for family day care homes. Currently, neither the State licensing authorities nor the County Child Care Office have any issues with the day care home. Use permits for family day care uses are required to assess potential land use impacts and impacts on adjacent properties, and there has not been any such issue associated with this use permit in the 10 years the family day care has been in operation. The applicant, however, still has to undergo regular license renewals and inspections from the County and State authorities, and if the applicant does not meet their requirements, the applicant's State and/or County licenses can be revoked and the use permit can be brought back to the County Board for revocation. Apart from the issues raised in November 2010, the applicant has been compliant with the State and local child care regulations. Therefore, staff recommends renewal of the use permit for a family day care, subject to all previous conditions, with an administrative review in one (1) year (May 2012) and with no further scheduled County Board review.

BACKGROUND: The subject use permit was approved on November 17, 2001. It was renewed again on November 16, 2002, and November 15, 2005, with no issues. A six-month

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Staff: Peter Schulz, DCPHD, Planning Division
PLA-5887

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review was imposed in November 2010 due to issues associated with compliance with the County's child care regulations.

DISCUSSION: The day care operates between 7:30 a.m. and 6 p.m. Children receiving care range from infants to six (6) years of age.

Since the last use permit review (November 2010):

Use Permit Conditions: The applicant has been in compliance with the use permit conditions.

Child Care Office: The Child Care Office reports no issues with the applicant's operations.

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 Boulevard Manor Civic Association. The Boulevard Manor Civic Association has been contacted and to date has not provided comments on the use permit renewal.

CONCLUSION: The use continues to operate in compliance with the approved use permit conditions and the applicant has resolved the concerns that were raised by the Child Care Office in November 2010. An administrative review in one (1) year would allow CPHD staff to continue to monitor the use. Since the original approval in 2001, the applicant has been in compliance with the conditions of the use permit, and had been, and is now once again, in compliance with all of the State and County child care regulations as administered by the Department of Human Services Child Care Office. Since the last review in November 2010 was a five-year review, and typically after the five year review a use is permitted with no further review, staff recommends no further scheduled County Board review. The applicant will also continue to be subject to both State and County licensing, inspections, and regulations. These agencies have the authority to revoke the applicant's licenses. The County Board also can bring a use permit that is out of compliance with the conditions of approval, back for a public hearing. Therefore, staff recommends renewal of the use permit for a family day care, subject to all previous conditions, with an administrative review in one (1) year (May 2012) and no further scheduled County Board review.

PREVIOUS COUNTY BOARD ACTIONS:

- November 17, 2001 Approved U-3009-01-1 Use Permit Review for a family day care home for nine (9) children, subject to all conditions with a review in one (1) year. (November 2002).
- November 16, 2002 Renewed use permit (U-3009-01-1) for a family day care home for nine (9) children, subject to all conditions with a review in three (3) years. (November 2005).
- November 15, 2005 Renewed use permit (U-3009-01-1) for a family day care home for nine (9) children, subject to all conditions with a review in five (5) years (November 2010).
- November 13, 2010 Renewed use permit (U-3009-01-1) for a family day care home for nine (9) children, subject to all conditions with a review in six months (May 2011).

Approved Conditions:

1. The applicant agrees to comply with all 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. The applicant agrees to work closely with the Child Care staff during any future expansion of the outdoor play space. The applicant agrees to identify the expanded space and the fencing to be provided prior to the issuance of a Certificate of Occupancy. The applicant agrees that any fencing identified to secure the future play space shall be in blend with existing fences in the neighborhood.
3. The applicant agrees to limit the number of children in care to nine (9) children.
4. The applicant agrees that the ages of children in care shall be from infants to six (6) years of age.
5. The applicant agrees to not install signs or to use the front area of the house as a play area.
6. The applicant agrees that the hours of operation of the family day care home shall occur from 7:30 a.m. to 6:00 p.m., Monday through Friday.
7. The applicant agrees to inform patrons to avoid unsafe entrances or exits from the driveway. In particular to avoid backing out into the lane of traffic in the direction of Route 50 toward Wilson Boulevard.

