



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of September 8, 2007**

**DATE:** August 29, 2007

**SUBJECT:** U-2556-87-5 USE PERMIT REVIEW AND AMENDMENT to extend the time to commence the expansion of the child care center; 2425 N. Glebe Road (RPC #02-062-006, -008)

**Applicant:**

CHMS, LLC  
2425 North Glebe Road  
Arlington, Virginia 22207

**C.M. RECOMMENDATION:**

Approve, subject to all previous conditions, revised Condition # 5, and with a review by the County Board in one (1) year (September 2008).

**ISSUES:** None.

**SUMMARY:** A preschool and day care center were originally approved at this location in August 1987 for up to 60 children, infants to 12 years of age. On July 8, 2006, the use permit amendment was approved with a County Board review in one (1) year (July 2007). In July 2007, a neighbor on 24<sup>th</sup> Street requested that the dumpster on the site be relocated. To allow time for the applicant and neighbors to resolve the issues, the County Board, at its July 7, 2007 meeting, extended the time to commence the expansion for 70 days, subject to all previous conditions, with a review by the County Board on September 8, 2007. The applicant has committed to address the issues relating to the dumpster and therefore, staff recommends the use permit review and amendment be approved, subject to all previous conditions, revised Condition #5, and with a review by the County Board in one (1) year (September 2008).

**BACKGROUND:** The existing Montessori Schools is approved for up to 90 children, ages infant to 12 years old. Approved operating hours are 7 a.m. to 6 p.m. The applicant, Children's House Montessori School, requested an amendment in 2006 to increase enrollment by 40 children, for a total enrollment of 130 children. An amendment to add 40 children for a total number of 130 children was approved on July 8, 2006 subject to all previous conditions, with revised Condition #1, and new Conditions #2, 3, 4, and 5, and a review by the County Board in one (1) year (July 2007).

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

Staff: Colleen J. Connor, DCPHD, Planning Division

PLA-4752

**DISCUSSION:** The applicant has not yet commenced the use for the approved use permit amendment. Because of the need for additional contracting work, they have not received the necessary permits and certificate of occupancy. The applicant hopes to obtain the necessary permits by January 2008. The applicant is allowed two years from the use permit amendment approval to implement the use permit, which would be July 2008.

Prior to the July 2007 use permit amendment review, a neighbor on 24<sup>th</sup> Street requested that the dumpster on the site be relocated away from its current position adjacent to the five homes along 24<sup>th</sup> Street North, citing odor, health, and noise issues, and that Condition #5 be changed to ensure this relocation. Condition #5 originally was requested in 2006 by the Old Dominion Civic Association (ODCA) because of its concern that trash was dropped off by the public when the dumpster was located on the corner of Old Dominion and 25<sup>th</sup> Street North. The Civic Association also had concerns with the dumpster's location on the street. However, given the current concerns by the neighbors, the Civic Association has communicated that it would support the move of the dumpster to the street as long as it was fenced (not over six feet high), the fence had a lock that keeps the door from swinging open, and that the area be landscaped on the sides facing the streets.

In response to the concerns of the neighbors on 24<sup>th</sup> Street North and the ODCA, the applicant and the owner of the property, St. Mark's Methodist Church, have worked with the neighbors to arrive at a satisfactory solution for the dumpster location. It is the applicant's goal to relocate the dumpster to 25<sup>th</sup> Street North, but shield it and enclose it with fences. Since July, the Church has applied for and installed a three (3) foot fence around the parking lot along Old Dominion Drive and 25<sup>th</sup> Street North. The Church anticipates installing a locked six (6) foot fence for the dumpster and relocating the dumpster shortly.

Because the applicant has resolved the issues with the neighbors and the civic association regarding Condition #5 and because the applicant anticipates receiving the necessary permits by January 2008, staff recommends the use permit review and amendment be approved, subject to all previous conditions, revised Condition #5, and with a review by the County Board in one (1) year (September 2008).

**Since the Last Review (July 2006):**

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

Community Code Enforcement: The Code Enforcement office states that it has no issues regarding the use.

Fire Marshal's Office: The Fire Marshall's Office states that it has no issues regarding this use.

Police Department: The Police Department states that it has no issues regarding this use.

Child Care Office: The Child Care Office reports that there are no issues for the current use permit for this facility.

Neighborhood: The use is located within the Old Dominion Civic Association (ODCA). The ODCA received notification of this amendment review. The Civic Association has not responded with any comments since July, at which time the Civic Association indicated that it would support the move of the dumpster if it was fenced, the fence was locked to keep the door from swinging open, and the fence was not over six feet high. The neighbors on 24<sup>th</sup> Street North responded that they were pleased with the plan for fencing and relocation of the dumpster by the applicant and the Church (see Attachment A).

**CONCLUSION:** A preschool use has been open at this location since 1987 without any noted issues. The use is compatible with the church use and has shown it is also compatible with the surrounding community. Because the applicant has resolved the issues with the neighbors and the civic association regarding Condition #5 and because the applicant anticipates receiving the necessary permits by January 2008, staff recommends the use permit review and amendment be continued, subject to all previous conditions, revised Condition #5 (see below), and a review by the County Board in one (1) year (September 2008).

5. The applicant agrees to work with the church to ensure the trash area is not located adjacent to the ~~street neighboring homes on 24<sup>th</sup> Street North~~, and that the dumpster is fenced and is maintained in a clean condition. The applicant further agrees to work with the church to ensure trash pick-up complies with Arlington County Code and does not occur before 7 a.m.

PREVIOUS COUNTY BOARD ACTIONS:

May 14, 1955	Granted a use permit (U-1167-55-1) for the operation of a community use in addition to normal church functions.
April 6, 1963	Granted a use permit (U-1542-63-2) for the Cooperative School for the Handicapped.
June 8, 1965	Granted use permits (U-1665-65-3) for the Overlee Cooperative Preschool for a maximum of 30 children, ages 3 to 5 years.
June 1964 to June 1967	Annual reviews and continuations of the use permit (U-1542-63-2) for the Cooperative School for the Handicapped.
June 22, 1968	Cancelled the use permit (U-1542-63-2) for the Cooperative School for the Handicapped.
June 1966 to June 1978	Annual reviews and continuations of the use permit (U-1665-65-3) for the Overlee Cooperative Preschool.
June 3, 1978	Reviewed and continued the use permit (U-1665-65-3) for the Overlee Cooperative Preschool. No further review.
August 17, 1985	Approved use permit (U-2463-85-4) for the operation of an institution of an educational and philanthropic nature (Easter Seals Rehabilitation Center).
August 15, 1987	Approved use permit (U-2556-87-5) for operation of a child care center for up to 60 children, infants to 12 year olds, from 7 a.m. to 6 p.m. weekdays, subject to condition and a review by the County Board in one (1) year (August 1988).
August 13, 1988	Renewed use permit (U-2556-87-5) for operation of a child care center for up to 60 children, infants to 12 year olds, from 7 a.m. to 6 p.m. weekdays, subject to the previous condition and a review by the County Board in three (3) years (August 1991).

August 10, 1991	Renewed use permit (U-2556-87-5) for operation of a child care center for up to 60 children, infants to 12 year olds, from 7 a.m. to 6 p.m. weekdays, subject to the previous condition and a review by the County Board in five (5) years (August 1996).
August 3, 1996	Renewed use permit (U-2556-87-5) for operation of a child care center for up to 60 children, infants to 12 year olds, from 7 a.m. to 6 p.m. weekdays, subject to the previous condition with no further review.
July 8, 2006	Approved use permit amendment (U-2556-87-5) to increase enrollment by 40 children and amend ages to include 1.5 year olds subject to all previous conditions, with revised Condition #1, new Conditions #2, 3, 4, and 5 and a review by the County Board in one (1) year (July 2007).
July 7, 2007	Extended the time to commence the expansion for use permit amendment (U-2556-87-5) to increase enrollment by 40 children and amend ages to include 1.5 year olds for 70 days, subject to all previous conditions, with a review by the County Board on September 8, 2007.

Approved Conditions:

1. The applicant shall meet the requirements of the Child Care Ordinance, Community Code Enforcement Office, Environmental Health Bureau, and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a Certificate of Occupancy.
2. The applicant agrees that parents of students attending the program shall escort their students to and from the school at all times. The applicant will also prepare, in coordination with the Child Care Office, a pick-up and drop-off plan.
3. The applicant agrees that the hours of operation will be weekdays from 7 a.m. to 6 p.m. with a maximum capacity of 130 children. The Child Care Office may determine the final number of children that can be served in the program, not to exceed 130 children, following the required renovations and improvements to the site.
4. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns that may be related to the Children's House Montessori School. The name and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator and the Old Dominion Civic Association.
5. The applicant agrees to work with the church to ensure the trash area is not located adjacent to the street and is maintained in a clean condition. The applicant further agrees to work with the church to ensure trash pick-up complies with Arlington County Code and does not occur before 7 a.m.

## ATTACHMENT A

**From:** C CLARK

**Sent:** Friday, August 17, 2007 3:50 PM

**To:** Colleen Connor; Pamela Gillen; Denise Touma

**Cc:** Chris K.; Tankersley, Maureen; Christian Smith; faye fiore

**Subject:** RE: St. Mark's beautification addition

Good afternoon everyone,

Denise just updated me with St Mark's plans for the trash dumpster. Her plan of removing the dumpster from its current location and placing it where it was originally with fencing would make the current residents bordering the dumpster very happy. I think this plan will solve all of the issues listed below for the bordering neighbors.

1. The smell of Trash
2. Rodent Population
3. Insect/Bugs
4. Noise from Trucks servicing the dumpster

If anyone from the civic association has any concerns with this plan please contact myself or Denise to further discuss.

Colleen- We (the neighbors) do not have any objections with this plan being added to the report for the Board.

Thank you Denise for taking the time to work this out with your neighbors.

Best Regards,

Chris Clark