

Docket Item #15
SPECIAL USE PERMIT #2003-0074

Planning Commission Meeting
October 7, 2003

ISSUE: Consideration of a request for a special use permit to expand the playground and increase the number of children by three at a child day care center.

APPLICANT: Abracadabra Child Care and Development Center of
Baptist Temple Church

LOCATION: 6 West Masonic View Avenue

ZONE: R-5/Residential

PLANNING COMMISSION ACTION, SEPTEMBER 4, 2003: By unanimous consent, the Planning Commission deferred the request.

Reason: The applicant requested a deferral.

STAFF RECOMMENDATION:

Recommend **approval** subject to all applicable codes and ordinances and the following conditions:

1. That all pick-up and delivery of children be done from the off-street parking area on West Chapman Street and that parents be required to bring children into the center. (P&Z)
2. **CONDITION AMENDED BY STAFF:** That the enrollment be limited to ~~thirty eight (38)~~ forty-one (41) children as requested by the applicant. (P&Z) (~~SUP#1569-D~~)
3. That the play area not be used prior to 9:00 A.M. (P&Z) (SUP#1569)
4. **CONDITION DELETED BY STAFF:** ~~That the play area be maintained to the satisfaction of Planning and Zoning to include a four (4) foot high chainlink fence along the west side of the play area. (P&Z) (SUP#1569-A)~~
5. **CONDITION AMENDED BY STAFF:** ~~That~~ The applicant shall install and maintain fencing and landscape screening around the expanded playground area maintained to the satisfaction of the Directors of Planning and Zoning and Recreation, Parks and Cultural Activities ~~between the west side of the play area and the adjoining property.~~ (P&Z)(SUP#1569) (Human Services)
6. That the emergency lighting be maintained to the satisfaction of the Fire Department. (Fire) (SUP#1569-A)
7. The panic hardware shall be maintained on all exit doors. (Fire) (SUP#1569)
8. The play area shall be at least 50 feet from western property line. (City Council) (SUP#1569-A)
9. The hours of operation shall be from 7:30 A.M. to 6:00 P.M. (City Council) (SUP#1569-A)
10. The applicant shall obtain a new certificate of occupancy to reflect the increase in the number of occupants. (Code Enf.) (SUP#1569-D)
11. **CONDITION ADDED BY STAFF:** Not more than 30 children shall be permitted to play outdoors at any one time. (P&Z)

12. **CONDITION ADDED BY STAFF: All existing trees and shrubs in the expanded playground area shall be maintained. (P&Z) (Human Services).**
13. **CONDITION ADDED BY STAFF: The applicant shall ensure that the staff to child ratio on the playground not exceed one staff for every seven children. (Human Services)**
14. **CONDITION ADDED BY STAFF: All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)**
15. **CONDITION ADDED BY STAFF: The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)**
16. **CONDITION ADDED BY STAFF: The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)**

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

DISCUSSION:

1. The applicant, Abracadabra Child Care and Development Center, requests special use permit approval to expand the playground at an existing child care center located at 6 West Masonic View Avenue.
2. The subject property consists of seven lots of record having a combined frontage of 216 feet on Chapman Street, 201 feet of frontage on Commonwealth Avenue, and 149 feet of frontage on West Masonic View Avenue. The property is developed by the Baptist Temple Church, church annex building, and off-street parking area. The church annex building is occupied by the Abracadabra Child Care Center.
3. On June 18, 1983, City Council approved SUP#1569 for the operation of a child care center from the church annex at 6 West Masonic View Avenue. The City Council has granted the following special use permits for the subject property:

<u>SUP #</u>	<u>CC Action</u>	<u>Applicant/Address/Use</u>
1569	6-18-83 Approved	Baptist Temple Church 6 West Masonic View Av Day Nursery for 30 children
1569-A	6-16-84 Approved	Baptist Temple Church 6 West Masonic View Av Review of Day Nursery
1569-B	9-14-85 Approved	Baptist Temple Church 6 West Masonic View Av Review of Day Nursery
1569-C	9-13-85 Approved	Baptist Temple Church 6 West Masonic View Av Expand playground area/ remove limit of children outdoors
1569-D	5-18-87 Approved	Baptist Temple Church 6 West Masonic View Av Increase enrollment for ages 2-6

4. The applicant requests permission to expand the existing playground south and east into an open area north of the Baptist Temple Church, an intensification of the child care center.

The playground is currently about 2,429 square feet. The applicant proposes to increase the size to total approximately 6,383 square feet. The proposal initially proposed the playground be setback approximately 25 feet from Commonwealth Avenue. However, because of staff's concerns regarding the visual impacts of the use on the residential character of the street, the applicant revised her plans and now proposes that the playground be setback 45 feet from the curb of Commonwealth Avenue.

The applicant proposes a number of improvements to the playground including new equipment and varying surface materials including grass, pea gravel, sand, cement for a tricycle track, dirt, water, and rocks and boulders (See attached expansion plans). A play structure and swing set are proposed on the south side of the playground facing the church building. The applicant also proposes a small storage shed adjacent to the parking area to house tricycles for the children to use on the playground. The applicant proposes that new fencing be installed around the new playground. The applicant is considering iron fencing, however, given the cost of iron fencing, it will most likely be black chain link. The fencing will be locked when not in operation. All existing trees on the property are proposed to remain.

Parents of the children attending the center are responsible for the work involved in planning, designing, and implementing the playground expansion project. Representatives of that group have met with staff to express their strong support.

In addition, the applicant informed staff that because of some interior remodeling that opened some closet spaces to usable space, the State License for the facility increased to 41 since the last SUP approval. Therefore, the applicant requests to increase the allowable enrollment to 41 children. Although the applicant states that she will typically operate with 38 children, she wanted the flexibility to occasionally receive special needs children.

There are no other changes proposed as part of this application.

5. The applicant currently cares for up to 38 children from age two through the age of eligibility for kindergarten. Outdoor play periods are generally from 11:00 a.m. to 11:45 a.m., and 4:15 to 5:45 p.m., Monday through Friday, depending on weather conditions.
6. On August 1, 2003, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit (SUP#1569-D). Staff found no violations of the special use permit.
7. The hours of operation of the center are 7:30 a.m. to 6:00 p.m. Parents drop off their children between 7:30 and 9:30 a.m., and pick them up between 3:45 and 6:00 p.m. Pick up and drop off occurs from the church parking lot accessed from Chapman Street.

8. The child care center employees seven full time teachers, a full time director, and a part time volunteer aide.
9. Trash includes paper items such as water cups and tissues. The total trash amounts to a medium sized garbage bag. Litter on the playground with receptacles located on the playground, and the locked fence will prevent littering inside the playground.
10. Zoning: The subject property is located in the R-5/Single-family zone. Section 3-403 (B) of the zoning ordinance allows a day nursery in a church building only with a special use permit.
11. Master Plan: The proposed use is consistent with the Potomac West Small Area Plan for residential low land use.

STAFF ANALYSIS:

Staff does not object to the increase in enrollment to 41 children. Staff finds the three additional children will not cause any significant zoning impacts on the property. In regard to expanding the playground, staff has two major concerns: the impact of intensifying the child care center on the neighborhood; and the significant loss of open space to a more developed private recreational use.

Impacts of increasing playground area

The child care center is located in a residential neighborhood that is already impacted from the nonresidential aspects of the preschool use, including its additional traffic during pick up and drop off hours, noise from outside activity, and higher volume of trash. Although staff supports child care centers on church properties in general, it must carefully consider any application and any intensification when the center operates in a residential setting. In this case, increasing the playground area will visually emphasize the nonresidential use of the property, detracting from the residential character in the area.

Loss of open space

As the remaining green parcels in the city continue to be threatened by development, it is important that development of any kind on remaining open spaces be considered carefully. For both aesthetic and environmental reasons, open space is important for the city as a whole and for neighborhoods. In this case, the open space is on a prominent corner of a residential neighborhood. Development of any kind on this now open, grassy corner will impact the character of the neighborhood.

Conclusion

On the other hand, staff is sensitive to the fact that the existing play area is small and may not adequately serve the needs of the facility. The applicant proposes to keep all existing trees on the property, and has agreed to install fencing and shrubs for screening. Additionally, although open space will be lost because of the expansion, the use of that land will be light recreation which will not involve grading of any kind and will be occupied with minimal structure that includes playground equipment set back from the street. Additionally, the applicant has made a significant effort to respond to staff's concerns by revising her plans, proposing that the playground be setback 45 feet from Commonwealth Avenue to reduce the visual impacts on Commonwealth, and installing shrubs to provide additional screening. Finally, the use has existed on the property since 1983, and staff is not aware of any major problems caused from the use.

Staff recommends a number of conditions intended to soften the expansion of the playground and to minimize any potential negative impacts from the expansion. Staff recommends that the number of children allowed to play on the playground at any one time be limited to 30. Staff also recommends that the design of the fencing and landscaping installed to screen the playground, be subject to review by staff. In addition, staff recommends that any trees on the property not be removed as part of the playground expansion, as the applicant has already proposed. Finally, staff recommends the standard one year review condition to ensure that, if there are any issues created by the expansion, they can be addressed.

With these conditions, staff recommends approval of the special use permit.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line.

Code Enforcement:

- F-1 The type of proposed playground equipment may require a construction permit. The applicant shall contact the Code Enforcement Bureau to determine if construction permits are required.
- F-2 The approved occupant load for the structure is 38 persons (including staff). The occupant load cannot be increased without violating the approved Certificate of Occupancy for the structure.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the child care center.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding safety programs available through the department for the children.

Human Services (Social Services):

- R-1 The site visit to review Special Use Permit #2003-0043 (proposal for a new playground) at the Abracadabra Child Care and Development Center was completed on July 10, 2003. DHS staff recommends approval of the Special Use Permit with the center's acknowledgment that the existing fencing will be replaced to encompass the new playground and that the existing greenery remain. Furthermore, as agreed upon by the center, the staff to child ratio should not exceed 1 staff per 7 children as the new playground will be larger and will allow children access to different activity stations on the playground causing them to spread out more.
- R-2 The Office for Early Childhood Development has no objection to an increase in the maximum enrollment for Abracadabra Child Care and Development Center from 38 to 41. They are licensed by the Commonwealth of Virginia for 41 children and the number is appropriate for the size of their facility, including the playground.