

City of Alexandria, Virginia

MEMORANDUM

DATE: APRIL 29, 2021

TO: CHAIRMAN NATHAN MACEK
AND MEMBERS OF THE PLANNING COMMISSION

FROM: KARL MORITZ, DIRECTOR, DEPARTMENT OF PLANNING & ZONING

SUBJECT: DOCKET ITEM #4 – SPECIAL USE PERMIT #2021-00011,
3649 WHEELER AVENUE

The purpose of this memorandum is to recommend an amendment to condition #4 for the Special Use Permit request for a private academic school at 3649 Wheeler Avenue.

Originally, the condition specified only Schuyler Hamilton Jones Skateboard Park as playground space that the applicant could apply to the Recreation, Parks & Cultural Activities to use for the private academic school. To provide the applicant more flexibility, staff recommends changing Condition #4 to allow the applicant to apply for use of any park in the City.

4. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall apply to the Department of Recreation to establish times and schedules to use ~~Schuyler Hamilton Jones Skateboard Park~~ **City parks. (P&Z)(PC)**

Staff continues to recommend approval of SUP #2021-00011.



DEPARTMENT OF PLANNING AND ZONING

301 King Street
Room 2100
Alexandria, VA 22314

Phone (703) 746-4666
Fax (703) 838-6393

www.alexandriava.gov

SENT VIA EMAIL

March 1, 2021

Rosemarie Davis
Heritage Montessori Day & Preschool
3649 Wheeler Avenue

Re: Day Care Pick-up and Drop-off Plan for 3649 Wheeler

Dear Rosemarie Davis:

The Department of Planning & Zoning has reviewed your request, pursuant to Section 4-307(G) of the Zoning Ordinance, for approval of a pick-up and drop-off plan for Heritage Montessori Day & Preschool at 3649 Wheeler Ave. The day care center's proposal states participants between the ages of 20 months and five years old will be cared for. In addition to the day care center, a private academic school will accompany the day care, providing care to participants up to 12 years old. This letter of agreement covers the day care and pick-up requirements only for the day care establishment. The pick-up and drop off requirement for the private academic school will be evaluated in the Special Use Permit request for this use and may require an amendment of the letter of agreement for the day care establishment. Approximately 80 participants under five years of age will be on-site at the day care establishment at any one time. The business will be open from 8 a.m. to 5 p.m., Monday through Friday. Peak drop-off times will be 8 a.m. to 9 a.m. and peak pick-up times will occur from 4 p.m. to 5 p.m.

The proposed plan identifies up to 16 parking spaces on-site. The Zoning Ordinance requires the applicant to provide a minimum of two parking spaces on-site. Up to 15 employees will be on-site at any one time. Ten parking spaces on-site in the parking lot will be used for pick-up and drop-off. After parking, the participants will be walked to the main entrance by their guardian, where a staff member will meet them at the front door.

The Department of Planning & Zoning finds this arrangement is sufficient for the proposed day care center and hereby approves the pick-up and drop-off plan subject to the following conditions:

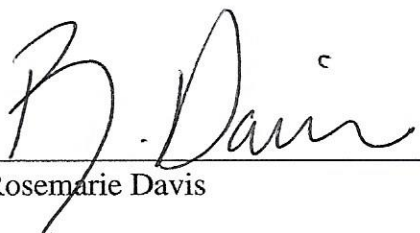
1. The applicant shall care for up to 80 participants under five years of age at the day care establishment. If the number of enrolled participants increases, the applicant is required to inform the Director of Planning & Zoning for a reassessment of the pick-up and drop-off plan.
2. Pick-up and drop-off shall occur only in the parking lot on-site.

3. The applicant shall regularly monitor the pick-up and drop-off of participants to ensure that the parking area is sufficient for the center's needs, is consistent with this agreement, and that traffic does not regularly back up on Wheeler Ave. The applicant shall take steps to correct problems with parking or backed-up traffic should the need arise.
4. Pursuant to Section 4-307(F) of the Zoning Ordinance, you shall obtain all state, federal, and local licenses and certificates required prior to opening the business.
5. City Council approval of the applicant's private academic school use in May 2021 may require an amendment to this agreement.
6. The Director of Planning & Zoning reserves the right to revisit this agreement and may at any time impose additional requirements to ensure that adequate pick-up and drop-off facilities are maintained.

We ask you to agree to these conditions of approval by signing your name as indicated below.

Sincerely,

Anna Kohlbrenner
Urban Planner



Rosemarie Davis

3/1/2021

Date

Heritage Montessori Day School
Elementary - Middle, ages 5-12

Teacher's area/Lounge/Kitchenette
(No permanent walls)

Exit 1
(to outside)
for 50
Students

Toilet Toilet Toilet Toilet

Girls' Bathroom

Toilet Toilet Toilet Toilet

Boys' Bathroom

Stairs
Used as
exit for
50
Students

Cabinet
for storage

Projector Screen or Smart Board

Chair
Chair
Chair

Study Table #1
Study Table #2

Large Plant

4-6
Area

Chair/
Flex seating

P
O
L
E

Chair/
Flex seating

Large Plant

Study Table
#3

Large
Rug for
Floor
Activities

Large
Rug for floor
activities

Science
Area

Music
Table

Piano

K-3 Area

Study Table
#4

Couch/Flex
seating

Bookshelves
for library &
manipulatives

Bookshelves
for library &
manipulatives

Bookshelves for
library & manipulatives

Bookshelves
for library &
manipulatives

Large
Plant

Window

Window

Window

Window

MEMORANDUM

To: Ann Horowitz, Rachel Drescher, Planning and Zoning
From: Dave Brown, Commissioner
Subject: Docket No. 4, SUP 2021-00011 (May 4, 2021)
Date: May 3, 2021

Staff responds immediately below and following each of your numbered points in bold.

I visited the subject site over the weekend and have additional questions. I will ask that this matter be removed from the consent calendar so that you may address them on the record.

1. **Incomplete Application.** The first requirement on the application form is submission of a floor plan and plot or site plan with the parking layout of the proposed use. I asked about the absence of this in my meeting with staff and the omission has yet to be properly cured. I expect the two plans to collectively identify (a) where staff parking and the pick-up-and-drop-off spaces are on site, and the single accessible space (application item # 14); (b) details of the proposed playground and fencing around it (application item # 12); (c) which floor will be day care use and which will be school use; and (d) the expected means of ingress/egress to/from the second floor, internal and external Why did staff send forward an approval recommendation when the application lacked all this prescribed information, or my expectations an overstatement?

The applicant has provided an updated layout of the site with the parking lot and marked spaces. Please note that ADA requirements are reviewed as a part of the Code Administration, including number of accessible spaces and location. As confirmed again this morning with the applicant, the school is not planning on using an on-site location for a play area. They have been approved to use 48 South Early Street Park, where the applicant had stated that the children and accompanying staff will use the sidewalk to walk down Wheeler Avenue in the morning and make a right on South Early Street. Children and accompanying staff will use the sidewalk on South Early Street to walk to the park which is on the right-hand side of the street. Children and accompanying staff will return to the school using the same route.

The by-right day care use is on the first floor and the private academic school is on the second floor.

The egress and ingress will be addressed by Code Administration if City Council approves the SUP. Code will determine the number of exits required through a building permit plan review. They do not have a full set of architectural plans to come to a conclusion at this point in time. During the building code plan review they will determine how many exits are required through a detailed look at the required egress system from that second floor. Please note building code requirements are reviewed by certified reviewers in Code Administration. Local regulations should not supersede that which are required by VA USBC.

2. **Second Floor Usage.** Is there, or must there be, a separate external entrance for occupants of the second floor? If so, the exit path is down a concrete staircase that lacks railings, a serious safety concern. Yet there is no indication from Code Enforcement or otherwise that any railing is needed. If this problem is obviated by use of internal stairways exclusively, then I take issue with the disruptive effect of the regular comings and goings of the second floor occupants on the first floor occupants. Please provide your appraisal of the situation.

The day care and school occupy the entire building. Code Administration will evaluate the stairways as part of its post-SUP approval site visit and building permit review process. If they determine that an exit is required from the second floor then a guard rail/handrail will be required prior to a building permit being approved. The existing stairs will also be reviewed through the building permit process.

3. **Enrollment Cap.** The application states that the facility “will be licensed for 150 children, 70 preschoolers and 80 children in grades K-6.” These numbers are repeated in the Staff Report (at 4). Do they constitute caps on enrollment enforceable as SUP requirements? If so, how will this be monitored? If not, are you depending on an enrollment limitation in the licensure process? I have been unable to find any requirement that this school be licensed by the Virginia Department of Education, at least with respect to enrollment. Please provide a citation to this regulatory control. If you are not depending on a licensure requirement, then it appears enrollment is not limited at all (subject to one-time Director review in condition 11(c)), in that there is no condition of approval reflecting the numbers in the Staff Report or a condition that the applicant is bound by the representations in the application.

The SUP does not limit the number of students. However, the pick-up and drop off agreement is based on 150 students and designed to mitigate potential pedestrian and traffic impacts from the proposed use. Should the student number increase, the Director could revisit the letter of agreement and amend it if he can ensure that any impacts would be mitigated.

If the City Council approves the SUP, Code Administration will review the overall occupant load to determine how many people can occupy the space based in its square footage and building analysis. Annual inspections by the state Fire Marshalls office typically occur in use groups like this after a certificate of occupancy has been issued to determine and sustain compliance.

As a child day program, the facility is required to be licensed through the Department of Social Services by Title 63.2 of the Code of Virginia for the care of children and set any applicable enrollment caps. The school has received a license for the care of children from 20 months to 12 years of age. However, these reviews are outside the scope of the land use analysis.

4. **Play Area.** The application says that the play area is on the property, whereas the Staff Report (at 4) says it will be “at an offsite location.” Which is it, and why isn’t the inconsistency explained? There is reference in the conditions to use of the Schuyler Hamilton Jones Skateboard Park “with RPCA approval and incompliance with state requirements for private academic schools” Again, I have been unable to find any state requirements for private academic schools regulating play areas for students. Please provide a citation to this regulatory control, and explain how it relates to RPCA control of parkland it controls. More recently, the apparent changed expectation on the play area location has itself been imprecisely expanded to simply all “City parks.” How is this generic dispensation an acceptable substitute? Should not the location of the play area be specified in the application? If in some circumstances it is appropriate to have an off-site play area, should not the route of safe travel to the site be specified and its practicality and safety be evaluated? Would you consider approving a private K-6 school with no play area at all? My inexpert impression is that there is no City park closer than the Skateboard Park, which is hardly a suitable place for open-field play, and a daunting quarter-mile trek uphill, especially for the younger among the K-6 students. And, of course, its use requires traversing, presumably rain or shine, the truck-laden Wheeler Avenue twice for each recess, with no controlled intersection between the two locations.

As confirmed again this morning with the applicant, there is no plan to use an on-site location for a play area. If a play area is constructed on-site in the future, then Staff has recommended the condition the private academic school should only use the play area on site between 9 a.m. and 5 p.m. Please note that the day care portion of the operation is by-right and would not be subject to any condition of the private school, if approved. A play area can be added on the property by-right. Given that state license requirements address operational guidelines and the Zoning Ordinance does not require play areas, SUP conditions for play areas are limited to RPCA’s interest in balancing public and commercial use of park land by asking for an application from the SUP applicant, should SUP approval occur.

5. **Food Service.** The application states “Not Applicable” for off-street loading/unloading operations and the Staff Report (at 4) likewise states: “No regular deliveries expected.” Yet the application (question 9) specifies an anticipated three large trash bags per day, including “food wrappers and utensils.” Given the specified hours of operation (8:00 am to 5:00 pm), it is quite apparent that the children will have lunch on the premises, if not a snack break in addition. Where will the food and drink be coming from? Hand carried in by individual students each day? If any the food or drink is school-supplied, how can it be that no regular deliveries are expected? And whether school-supplied or not, where will food or drink requiring refrigeration (e.g. half-pint milk cartons) be stored? I see no indication from the information provided to date that there will be any food or drink preparation facilities in the building. Please advise in detail of the food service plans for the K-6 school.

The applicant states that the children will bring their own lunches. Pre-packaged snacks will be purchased and brought by staff from Costco and other stores. The applicant states no preparation of food will occur on-site, and also noted that the Health Department does not permit preparation food on-site at this time because of Covid-19 regulations. If the SUP is approved, the local office of the state Health Department will regulate food service and preparation, if any is offered, at the time of Building Permit review and/or Occupancy Permit review.

6. **SUP Scope of Review.** Does staff regard any of the issues raised above as outside the purview of Planning and Zoning? Obviously, I do not think so. But if staff disagrees, I will need to have staff or counsel explain why, considering that among the considerations the City Council may take into account in evaluating an SUP is “whether the proposed use will adversely affect the safety . . . of pedestrians using the facility . . .” 11-504(B)(1), or adverse effect on “other matters affecting the public health, safety and general welfare. . .” 11-504(B)(10).

The staff provided a recommendation for SUP approval consistent with past reviews for private academic schools. Aside from the need to update the floor plan, which was sent to you on Thursday, for other applications the same information has been provided by applicants.

Planning and Zoning and other departments evaluated the application and recommend approval pursuant to the staff report and conditions therein. The staff report is based on analysis of the SUP criteria under the Zoning Ordinance, including those you cite to under Section 11-504.

Other matters such as building suitability, occupancy and food safety are evaluated by relevant City Departments after City Council approval of an SUP request as detailed below. Play space location is not planned to be on-site. Other operational matters fall under the purview of state licensure and are outside SUP review.

Staff

Staff

Staff

Staff

Staff

3649 Wheeler Avenue

Staff

Drop off/
pick up

Drop off/
pick up

Drop off/
pick up

Drop off/
pick up

Drop off/
pick up

Parents exit

Parents enter

Entrance &
Exit to
Wheeler Ave.

Drop off /pick up

Drop off /pick up

Drop off /pick up

Drop off /pick up

Drop off /pick up