



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director
Historic Preservation and Development Review

DATE: July 6, 2010

SUBJECT: BZA 18075 – Little Ark Angles Child Development Center
4551 Benning Road, SE (Square 5350, Lot 125)

RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the special exceptions for the Little Ark Angles Child Development Center with the following conditions:

1. The number of children at anytime shall not exceed 45.
2. The number of staff shall not exceed 14.
3. Hours of operation shall be between 6:30 am and 6:30 pm, Mondays through Fridays.
4. All drop-off and pick-up of children will be within the on-site parking lot.
5. The on-site play area will be fenced.

APPLICATION

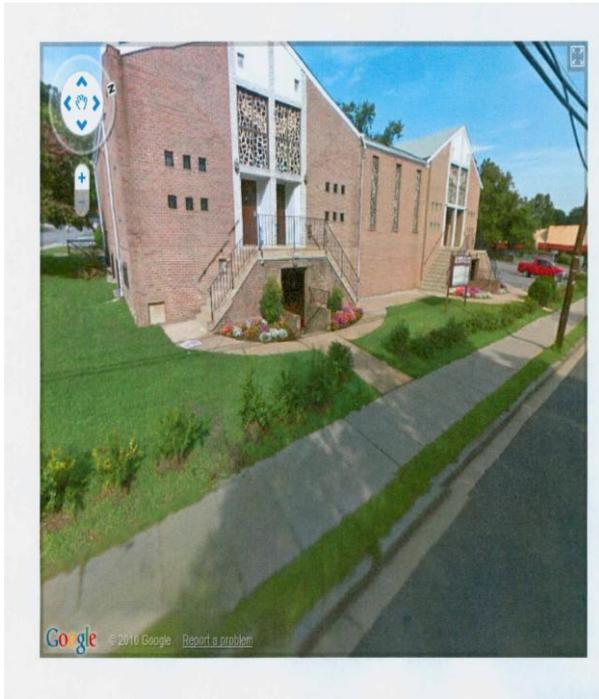
The application by the Gospel Ark Temple Bible Way Church requests, pursuant to 11 DCMR 3104.1, special exception review under Section 205, for a child development center that would accommodate 45 children, ages 2 years to 5 years, and 14 staff.

SITE AND AREA DESCRIPTION

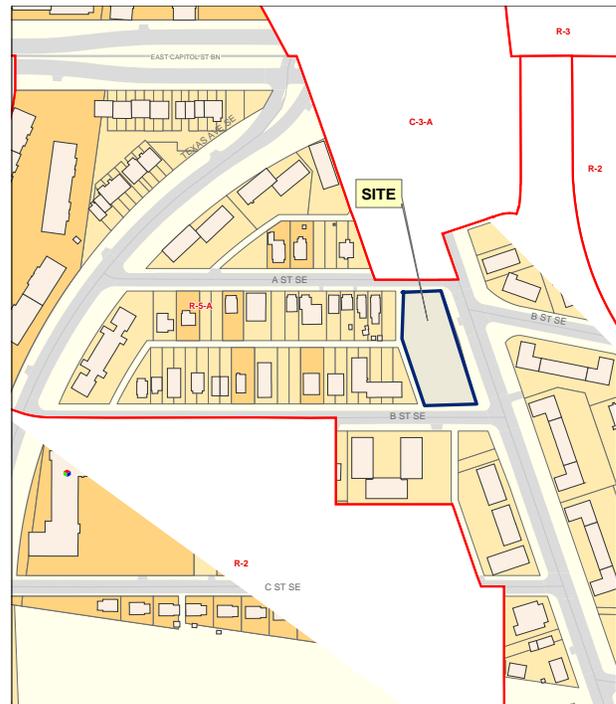
Address:	4551 Benning Road, SE
Legal Description:	Square 5350, Lot 125
Ward:	Ward 7 - ANC-7E
Lot Characteristics:	The subject property is located on a nearly rectangular, approximately 5.2 acres property that fronts on Benning Road, SE and is between A Street, SE to the north and B Street, SE to the south. To the west and rear of the property is a 15-foot wide alley. There is a 15-foot wide building restriction line on all sides of the property except along the rear property line. The property houses the Gospel Ark Temple Bible Way Church.
Existing Development:	The subject site is developed with the 2-story Gospel Ark Temple Church and its adjacent parking lot. The building has a sanctuary and several other multipurpose rooms as well as a commercial kitchen. The church has a C of O for 300 persons.
Zoning:	R-5-A



Historic District:	N/A
Adjacent Properties:	Properties to the east, west and south are developed with 3- and 4-story garden apartments and are in the R-5-A district. To the north is a Popeye’s Restaurant in the C-3-A district.
Surrounding Neighborhood Character:	The surrounding neighborhood is developed with predominantly 3-and 4-story garden apartments. To the north, along Benning Road and just beyond the subject property, are commercial properties developed with neighborhood commercial uses such as fast food restaurants and a gas station.



Subject Site



Vicinity Map

ANALYSIS

Section 205 outlines the standard under which operation of a child development center should be operated.

205.1 *Use as a child/elderly development center or adult day treatment facility shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

The subject property is in the R-5-A district.

205.2 *The center or facility shall be capable of meeting all applicable code and licensing requirements.*

The Office of the State Superintendent of Education (OSSE) has indicated that a letter would be sent to the BZA indicating that the proposed center would meet code and licensing requirements.

205.3 *The center or facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance.*

The child development center would be operated within the existing church building. Vehicular ingress and egress would be off Benning Road. It is not anticipated that traffic to and from the property would cause objectionable traffic conditions. The parking lot would be sufficient to accommodate all drop-off and pick-up of children. Children would be escorted to and from the building by the accompanying adult. The Department of Transportation (DDOT) will address this issue in their report.

205.4 *The center or facility shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.*

At a rate of 1 space per 4 teachers or other employee, the staff of 14 would require 4 parking spaces. The applicant states that the parking lot accommodates 50 vehicles. Additional parking spaces to the rear of the building and directly off the alley would accommodate staff parking. No other programs would be in operation in the building while the child development center is in session and therefore all the parking spaces would be available for the center's use.

205.5 *The center or facility, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions.*

The applicant states that the play area would be on the west side of the church, adjacent to B Street and near the intersection of B Street and Benning Road. That area is currently not fenced, but the applicant states that it would be constructed and fenced per the regulations contained in 29 DCMR, Chapter 3 – Child Development Facilities and would be reviewed in order to obtain a C of O and licensing. The location of the play area would not have an adverse impact on neighboring properties.

Currently, there is a large trash receptacle on the site and trash pick-up occurs once per week. The collection is by a private contractor and the service would be utilized by the center. Therefore, no objectionable conditions relating to trash are envisioned.

205.6 *The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties.*

OP does not recommend any special treatment or additional screening, other than the fencing of the outdoor play area.

205.7 *Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center or facility itself.*

The applicant states that the play area would be provided on-site.

Plummer Elementary School is located approximately 850 feet or one block southwest of the site at the intersection of B Street and Texas Avenue and has recreational facilities. If the applicant were to use those facilities, travel to and from the site would not be an endangerment to the children because of its close proximity to the center and the availability of sidewalks along both sides of B Street and Texas Avenue as well as crosswalks.

205.8 *The Board may approve more than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.*

There are no other child development centers within the square or within 1,000 feet of the site. The Plummer Elementary school is approximately 850 feet southwest of the property. Traffic to and from that site should not create any conflicts with traffic to and from the school and neither should their cumulative adverse traffic impacts on the community.

205.9 *Before taking final action on an application for use as a child/elderly development center or adult day treatment facility, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports.*

The Department of Transportation and the OSSE will submit their reports under separate cover.

205.10 *The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District of Columbia*

The Department of Human Services will review the facility subsequent to Board approval.

AGENCY REFERRALS

The application was referred to the DDOT and the OSSE and their review and recommendation will be submitted under separate cover.

COMMUNITY COMMENTS

The subject property is within ANC-7E. To date, OP has had no feedback regarding consideration of this proposal by the ANC.

RECOMMENDATION

The requested special exception for the Little Ark Angels child development center meets the requirements of Section 205 and would not have an adverse impact on the immediate neighbors or the neighborhood in general and would not as the proposal would not create any adverse traffic impacts, parking can be accommodated on site, and all activities would be confined to the site. OP therefore recommends approval of the proposal with the following conditions:

1. The number of children at any time shall not exceed 45.
2. The number of staff shall not exceed 14.
3. Hours of operation shall be between 6:30 am and 6:30 pm, Mondays through Fridays.
4. All drop-off and pick-up of children will be within the on-site parking lot.
5. The on-site play area will be fenced.

JLS/mbr:

Project Manager – Maxine Brown-Roberts