*Building Bridges Across the River*

The Town Hall Education Arts
& Recreation Center

1901 Savannah St., S.E.
Washington, D.C. 20020
phone-202.889.8590 or 888.868.0589
fax-202.889.8594
email:-ljackson@wcsmith.com

April 12, 2001

D.C. SPECIAL POSTAGE
2001 APR 12 PM 2:02

Office of the Board of Zoning Adjustment
Room 210
441 4th Street, NW
Washington, DC 20001

**RE: Parklands, Inc**
**BZA Case No. 16714**
**Application for a Special Exemption**

To Whom It May Concern:

Please include the attached information with our application package. Enclosed you will find letters of Support from Mr. James Patterson, ANC 8B06 Commissioner and Commander Winston Robinson, Jr., of 7th District Police Department. As instructed, we have also included our written "notice of intended use" and addressed the items pertaining to 354 CONVENIENCE STORES IN APARTMENTS (R-5).

Please let us know if any further information is needed and thank you for your assistance.

Sincerely,

Linda V Jackson
Executive Director

/lvj
Enclosures

BZA
Case No. 16714
Exhibit No. 20

Board of Zoning Adjustment
District of Columbia
CASE NO.16714
EXHIBIT NO.20

# ADVISORY NEIGHORHOOD COMMISSION 8B

**Government of the District of Columbia**
**1809 Savannah Street, SE**
**Washington, DC 20020**

4 April 2001

Board of Zoning and Adjustment
441 4th Street, NW Suite 200
Washington, DC 20001

D.C. OFFICE OF ZONING
2001 APR 12 PM 2:02
RECEIVED

RE: BZA Case No. 16714
Parklands, Inc.
Application for a Special Exemption

To Whom It May Concern:

This letter is in support of the efforts of Parklands, Inc. to obtain a "Special Exception" ruling for the operation of a concession stand within the Splash Park located in the 2100 block of Savannah Street Southeast. As the ANC Commissioner for the Single Member District (8B06) for which this special exception is being sought, I enthusiastically support this endeavor. The Splash Park has been a positive recreational venue within my SMD by helping to bring the community together and providing safe, clean and cooling fun for children far removed from a public pool. The addition of a concession stand will only enhance the enjoyment of this venue.

As an ANC Commissioner elected to improve the quality of life of D.C residents I fully encourage private developers to provide amenities that the whole community can enjoy. Since its opening, the Splash Park has been the premier location for cooling off during the hazy days of summer for residents of my SMD. I give it credit for decreasing some of the vandalism, loitering and juvenile crimes that would occur were it not for this positive recreational spot.

Again, as ANC Commissioner for SMD 8B06, I add my full support to this application and look forward to your favorable consideration.

Sincerely

Jacque D. Patterson
ANC Commissioner 8B06
8B Advisory Neighbor Commission
Government of the District of Colombia

GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

March 30, 2001

RECEIVED
D.C. OFFICE OF ZONING
2001 APR 12 PM 2:02

Government of the District of Columbia
Board of Zoning Adjustment
441 4th Street, Northwest, Suite 210-S
Washington, D.C. 20001

RE: BZA Case No. 16714
Parklands, Inc.
Application for a Special Exception

To Whom It May Concern:

This letter is in support of the efforts of Parklands, Inc., in obtaining a "Special Exception" ruling for the operation of a Concession Stand within the Splash Park located in the 2100 block of Savannah Street, Southeast. The Splash Park has been a very positive addition to our community and is one of the few facilities in the community offering a safe fun-filled place for the youth to spend their summer days. Having the added amenity of a snack/food service within the pool complex is an even further enhancement.

Our relationship with Parklands, Inc., has a long history of mutual support and consorted efforts to improve the quality of life and increase the level of recreational facilities to our youth and their families.

I, therefore enthusiastically encourage your support of the Splash Park receiving a "Special Exception" to operate a concession stand.

If I can be of further assistance, please contact me at (202) 698-1400.

Sincerely,

Winston Robinson, Jr.
Commander

**RE: BZA CASE # 16714**
**PARKLANDS, INC.**
**APPLICATION FOR SPECIAL EXEMPTION**

RECEIVED
D.C. OFFICE OF ZONING
2011 MAR 17 PM 2:

**ITEM B—Intended Use**

The concession stand will be used to provide food, confectionery items and drinks to the patrons of the Splash Park during hours of operation. **The Splash Park is opened 12NOON-8PM from Tuesday through Sunday. The Splash Park operates on a seasonal basis from Memorial Weekend (May) until Labor Day Weekend (September).** There are no carryout, fast food restaurants or other means of providing refreshment items to our community in the immediate vicinity of the pool. The pool is for "splash" purposes only and supports mainly our young users. The depth of the pool at the deepest level is 4 feet. We have ample deck area and have umbrella tables, chairs and chaise loungers for parents and guardians there to supervise their children, siblings and friends. Having the ability to provide drinks and other simple amenities to our community is very important to our neighborhood. In all of Ward 8, there is no other facility like the splash-park, which offers a state of the art, safe haven for our children. The children literally spend hours there, everyday during the summer and for most of them this facility will provide their lunch and afternoon snacks while parents are at work.

The Concession Stand will support 2 people who conduct the operations and provide service to the patrons. The concession stand operates on a non-cash basis. Users purchase a "debit card" when entering the park, which they use continually all day. There is no cash needed. We find this method to be safe and easier for the youth to manage and parents' feel better as well, not having to worry about children losing or carrying cash.

The concession stand is equipped to provide small individual pizzas, hot dogs, Popsicle's, ice cream, snow cones, hot pretzels, cotton candy, fountain drinks, popcorn and potato chips.

The concession stand is more than a nice amenity for our wonderful community, it also makes a statement to the children in our neighborhood that they do not have to travel to Maryland to find the very best; the best can literally be found right in their own backyards! **The Splash Park is a very well maintained, beautiful, state of the art facility and will in no way adversely effect the use of neighboring properties**. In our entire Ward 8 community, there are no movie theatres, no bowling alleys and in addition to these unbelievable facts, many of the playground areas are unsupervised, ill-equipped and generally unsafe. While conditions in Ward 8 are showing a very positive, upward trend, it will not happen over night and our children are the ones who will suffer during this "catch-up" period. In the interim, we have a created a summer wonderland right here, right now and there is no-waiting! Please help us complete this safe, fun-filled haven for our community by rendering your support to our efforts.

Thank you.

Linda V. Jackson

Executive Director

**RE: BZA CASE # 16714**
**PARKLANDS, INC**
**APPLICATION FOR SPECIAL EXEMPTION**

**Please include this information with the application of Parklands, Inc.**

**354 CONVENIENCE STORES IN APARTMENTS (R-5)**

**Section 354.1**

1. The items sold in the Concession Stand are limited to food and non-alcoholic beverages. These items are offered to the patrons of the Splash Park as a convenience/amenity to them while visiting the Splash Park/Pool.

**Section 354.2**

1. The Concession Stand consists of one (1) floor therefore all services are delivered from this first/main floor.

**Section 354.3**

1. The Concession is fully surrounded by a locked/fenced deck area with additional security provided by motion detectors and cameras. There is no direct entrance from the outside of the park

**Section 354.4**

1. The entrance to the concession stand is located on the side of the facility and is not visible or accessible from the sidewalk.

**Section 354.5**

1. There are no signs or displays advertising the existence of the concession stand on the outside of the Splash Park.

**Section 354.6**

1. The entrance to the Splash Park is located in a residential apartment complex and is more than ¼ mile walking distance to the nearest principal business street frontage of any business district previously established and operating in a commercial or industrial district. The Splash Park is located within the Villages of Parklands, a residential community, part of which is located on Savannah Street, SE, Ward 8 of The District of Columbia.

**Section 354.7**

(a) Access to the Concession Stand is only available through a controlled/monitored entrance to the Pool Area where the services are performed and used. The

(b) Concession is located inside the Splash Park within the apartment complex of the Villages of Parklands.
(c) The entrance to the concession stand is only available through a controlled access gated facility. There are no signs visible from a public sidewalk advertising the existence of the facility.

**Section 354.8**

The goods and services supplied by the concession stand are supplementary to those provided by the establishments located in the commercial district.

a) The nearest commercial establishments are the Parklands Shopping Center located at the intersection of Stanton Road and Alabama Avenue, SE. Approx. ¼ mile from the location of the Splash Park & Concession Stand and The Shipley Terrace Shopping Center.
b) The shopping centers have their own parking lots for patrons with more than adequate parking spaces available. Most of the patrons of the shopping centers reside in nearby apartment and public housing complexes and walk to the stores.
c) The businesses within the Parklands Shopping center are as follows:
    1. Suntrust Bank
    2. Wah-Luk Carry-out
    3. Bold & Beautiful Barber Shop
    4. Saddle Five & Dime
    5. H&M Hardware
    6. Washington Commercial (Laundromat)
    7. Lees Supermarket
    8. Instant Refund Tax Service
    9. Universal Sports
    10. WCS Construction

c.1) The Shipley Shopping Center located at the intersection of 23rd & Savannah Streets, SE is approximately 3 blocks from the location of the Splash Park. The businesses within the Shipley Shopping Center are as follows:
    1. Shipley Market
    2. A Liquor Store
    3. Emerald K.J. City (Clothing Store)
    4. Chinese American Carry-out
    5. Laundromat

d) N/A in this instance—concession stand is free standing within the gated Splash Park.

3102.2 The provisions of this Chapter became effective on October 1, 1999 and apply to all applications or appeals filed after that date with the Board, or pending as of such date but for which notice of public hearing had not been given.

3102.3 In any conflict between this Chapter and any other provision of this Title, the other provisions of this Title shall govern. In any conflict with this Chapter between general and specific rules, the specific rules shall govern.

3102.4 The Board at any time and from time to time may seek the legal advice of the Office of the Corporation Counsel on any matter or matters relating to compliance with and enforcement of the provisions of this Title.

## 3103 VARIANCES

3103.1 The power of the Board to grant variances, as set forth in the Zoning Act, is set forth in §3103.2.

3103.2 As set forth in D.C. Code Ann. §5-424(g)(3) (1981), "[w]here, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Code Ann. §§5-413 to 5-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

## 3104 SPECIAL EXCEPTIONS

3104.1 Pursuant to authority contained in the Zoning Act, the Board is authorized to grant special exceptions, as provided in this Title, where, in the judgment of the Board, those special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in this title, as follows:

| TYPE OF SPECIAL EXCEPTION | DISTRICT | SECTION IN WHICH THE CONDITIONS ARE SPECIFIED |
|---|---|---|
| Antenna towers for TV or FM broadcasting and accessory buildings | Any R district | §211 |

353.3 The Board shall refer the application to the D.C. Departments of Public Works and Housing and Community Development for comment and recommendation as to the adequacy of public streets, recreation and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects.

353.4 The Board shall refer the application to the D.C. Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, provisions of light, air, parking, recreation, landscaping and grading as they relate to the future residents of the project and the surrounding neighborhood.

353.5 In addition to other filing requirements, the developer shall submit to the Board with the application, four site plans and two (2) sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements.

SOURCE: §3105.42 of Regulations effective May 12, 1958.

## 354 CONVENIENCE STORES IN APARTMENTS (R-5)

354.1 Sale of the following convenience commodities and services, as accessory uses and appropriate adjuncts to an apartment house which are designed to service the tenants' daily living needs shall be permitted in an R-5 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section:

(a) Foods, drugs, and sundries; and

(b) Personal services.

354.2 The adjuncts authorized under this section shall be limited to the main floor of the building or below.

354.3 There shall be no direct entrance to the adjunct from the outside of the building.

354.4 No part of the adjunct or the entrance to the adjunct shall be visible from a sidewalk;

354.5 No signs or display indicating the existence of the adjunct shall be visible from the outside of the building;

354.6 The center of the principal entrance of the apartment house shall be more than one-fourth (1/4) mile walking distance from the nearest principal business street frontage of any business district previously established and operating in a Commercial or Industrial district.

354.7 Subject to compliance with the provisions of §354.6, these uses may also be permitted within an interior patio or other type of open ground level area; Provided, that the following conditions shall be met:

(a) Access to the adjunct shall be through the apartment building or buildings intended to be served by the use; and

(b) No part of the adjunct, the entrance to the adjunct, or any sign or display indicating the existence of the adjunct shall be visible from a public sidewalk.

354.8 The adjuncts authorized under this section are intended to supply tenants of the apartment house with commodities and services supplementary to those in established Commercial districts, but in order to protect the value and stability of these districts, the Board shall give consideration to the following:

(a) The proximity of Commercial districts to the adjuncts proposed;

(b) The adequacy and convenience of parking spaces existing in or for those Commercial districts;

(c) The adequacy and scope of commodities and services provided within those Commercial district; and

(d) The size and character of the apartment house, since the tenants of the apartment house will be expected to furnish all or substantially all of the financial support of the requested adjunct.

SOURCE: §3105.42 of Regulations effective May 12, 1958.

## 355 PARKING GARAGES (R-5)

355.1 Parking garages constructed as a principal use on a lot other than an alley lot in an R-5-E district shall be permitted in an R-5 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

355.2 The use shall comply with all provisions of chapter 23 of this title.

355.3 No commercial advertising signs shall be permitted outside a building, except a sign advertising the rates as required by chapter 6 of Title 24 DCMR, "Public Space and Safety."

355.4 The Board shall find that no dangerous or otherwise objectionable traffic conditions will result, that the present character and future development of the neighborhood will not be affected adversely, and that the parking garage is reasonably necessary and convenient to other uses in the vicinity.

355.5 Before taking final action on an application for the use, the Board shall have submitted the application to the D.C. Department of Public Works for review and report.

SOURCE: §3105.43 of Regulations effective May 12, 1958; as amended by Final Rulemaking published at 39 DCR 8305, 8306 (November 13, 1992).