

EXHIBIT NO. 1

3
4-13-02

Docket Item #2
SPECIAL USE PERMIT #2002-0006

Planning Commission Meeting
April 2, 2002

ISSUE: Consideration of a request for a special use permit for a child care home.

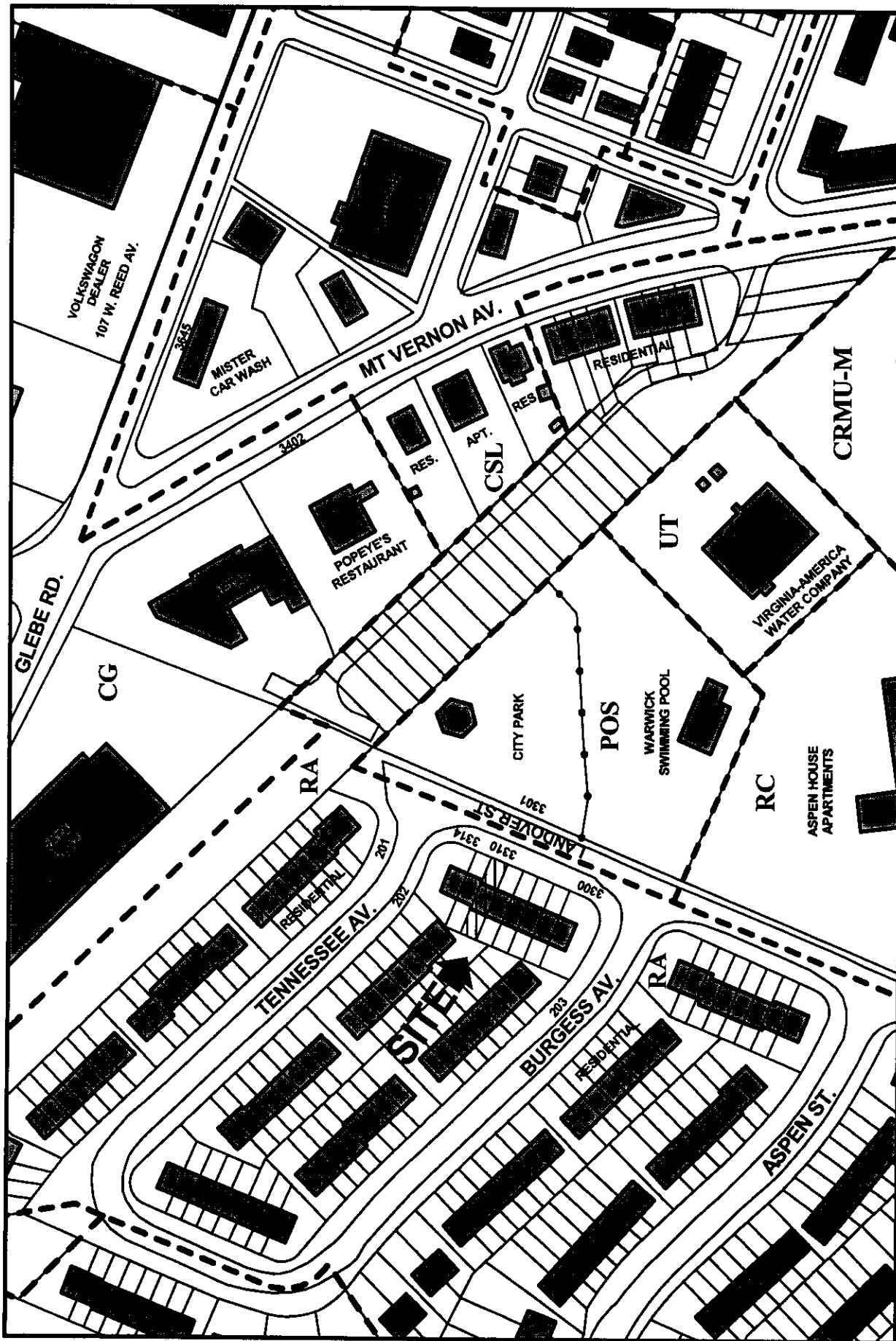
APPLICANT: Katy Ford

LOCATION: 3310 Landover Street

ZONE: RA/Residential

PLANNING COMMISSION ACTION, APRIL 2, 2002: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



04/02/02

SUP #2002-0006



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. The hours of operation shall be limited to between 6:00 A.M. and 7:00 P.M., Monday through Friday. (P&Z)
3. Only one "non-resident" assistant shall be permitted on-site at any one time. (P&Z)
4. 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. (T&ES)
5. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department regarding a security survey for the child care center. (Police)
6. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department regarding safety programs available through the department for the children. (Police)
7. 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 Notes:

Upon issuance of special use permit, the applicant must contact appropriate City departments to confirm compliance with City and State codes and ordinances.

The applicant must be registered with the Alexandria Department of Social Services.

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, Katy Ford, requests special use permit approval for the operation of a child care home with a maximum of nine children located at 3310 Landover Street.
2. The subject property is one lot of record with a total lot area of 1,610 square feet. The site is developed with an attached, two-story townhouse where the applicant occupies both floors. The property is surrounded by residential uses. A city park occupies the land directly across the street from the subject property. Vehicular access to the property is via a one-way service road in front of the property. The service road is separated from the main street by a median. There is no private drive or off-street parking provided on the subject property.
3. The applicant requests a special use permit to operate a child care home in her personal residence. The applicant is currently caring for six children in her home and is requesting approval to care for up to nine children. During an annual required inspection by Code Enforcement the applicant was made aware that she is required by the zoning ordinance to have a special use permit for operating a child care home of more than five children. The applicant soon applied for the special use permit to comply with the zoning requirement.

The applicant does not plan to definitely have nine children but, for occasions where she has more than five children, she wants to ensure that she is in compliance with the zoning ordinance. Two of the six children now cared for are resident children ages eight and sixteen months. The other children in the applicant's care include two eight-year-olds, one six-year-old, and one child that is fourteen months. The child care home will operate Monday through Friday from 6:00 AM to 7:00 PM. Children will be dropped off between 6:00 AM and 9:00 AM and picked up between 6:00 PM and 7:00 PM. Three of the six children attend school during the day. The applicant uses the first floor and a playroom on the second floor for the child care facility.

4. The applicant must comply with the standards set forth in Section 7-500 of the zoning ordinance to operate a child care home. The information given below reflects the applicant's compliance or intention to comply with these standards.

The applicant has been a registered family child care provider with the City of Alexandria since July 1, 1995. She has been licensed by the Virginia Department of Social Services for two years. Two of the six children in the applicant's care are resident children under the age of fourteen. The child care home is the principal residence of the operator. A city park is located directly across the street from the residence (within 500 feet) which provides the required outdoor play area.

5. The zoning ordinance does not specify required parking for child care homes. On-street public parking spaces are available both in front of the applicant's home along the service road and along Landover Street across from the subject property in front of the city park. The applicant anticipates that visiting parents will park in front of the day care home to pick up and drop off their children. The applicant does not drive, nor does she own a car.
6. The applicant anticipates that one bag of trash per day will be generated by the proposed use. Trash is disposed of in a bin located in the front of the property and is collected along with the residential garbage in the neighborhood every Tuesday.
7. The applicant anticipates some noise generated from children playing. She does not anticipate any odors emanating from her residence. Children are not allowed to go outside without her permission and are escorted by her to the park across the street for play times. The applicant does not have an assistant and is not required by the City or State to have one.
8. Zoning: The subject property is located in the RA (Multifamily) zone. Section 7-500 of the zoning ordinance allows a child care home in the RA zone only with a special use permit.
9. Master Plan: The proposed use is consistent with the Potomac West small area plan chapter of the Master Plan which designates the property for residential use.

STAFF ANALYSIS:

Staff has no objection to the proposed child care home located at 3310 Landover Street. The proposed use is consistent with the requirements for child care homes set forth in the zoning ordinance. In addition, the Department of Human Services states that the applicant has been a registered family child care provider for nearly seven years and has had her State License for two years and recommends approval of the application.

Open space is provided at the city park located across the street from the child care home. The applicant escorts the children to the park to ensure their safety in crossing the street. In addition, the residence is located near the terminus of Landover Street which results in less through traffic and easy pedestrian access to the park. Because the children have the park to play in, noise at the residence should not be a significant issue. If the neighbors have concerns regarding noise from children playing inside the residence, they can notify staff and the issue can be revisited during the one year review required by Condition #7.

Although off-street parking is not available to accommodate parents dropping off and picking up children, there is ample on-street spaces both along the service road in front of the applicant's home and across Landover Street in front of the city park. In addition, parents will likely drop off or pick up their children at different hours, staggering the demand for parking and reducing the overall impact of additional cars associated with this use. The applicant does not drive so does not utilize the public parking which will leave spaces available for parents. Lastly, because the residence is located near the terminus of Landover Street, the area may be less impacted with traffic congestion associated with the pick up and drop off activities than if the home were located on a through street.

The applicant has made the effort to comply with code requirements by filing for the special use permit for the six children currently in her care when made aware that it was required. Staff recommends approval of the proposed child care home subject to the recommended conditions.

STAFF: Eileen P. 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.

Code Enforcement:

- C-1 This review is based on the assumption that no more than 5 children under the age of 2 ½ will be cared for at one time. As such this facility is considered by the building code as an E use group. This represents a change of use and as such is required to be upgraded to meet the current code requirements fo the new use group.
- C-2 Smoke detectors shall be provided in all sleeping areas.
- C-3 Fire extinguishers shall be provided at this facility.
- C-4 A certificate of occupancy shall be obtained prior to occupying this facility.
- C-5 Plans shall be prepared by a registered architect that show existing conditions and proposed alterations.
- C-6 A manual fire alarm system is required for this facility.

Health Department:

- F-1 No objection, in that this department has no regulations governing Child Care Homes.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department 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 regarding safety programs available through the department for the children.

Human Services - Social Services:

- F-1 Katy Ford has been a registered family child care provider since July 1, 1995. She currently has five children in her care. Ms. Ford would like to get a Special Use Permit because she has a State License and it is mandatory for her to have the Special Use Permit as well. Furthermore, on occasion she cares for a friend's or relative's child which makes her exceed the city capacity limit.
- F-2 Ms. Katy Ford has had her State License for two years and she is required to also have her Special Use Permit. She does not have an assistant since she is within the allotted points given before an assistant is required by the state.
- R-1 Approval of Ms. Ford's Special Use Permit to allow to care for up to nine children, is recommended pending compliance with other departments' recommendations, and subject to the licensing requirements and other limitations of local and state regulations.

Department of Recreation, Parks :

- F-1 The Department of Recreation, Parks and Cultural Activities has no objections to the applicant's proposed use of local City parks. However, this does not in any way grant the applicant exclusive use of City facilities at any time, and does not guarantee that the City facilities or their improvements will always be available for use.

APPLICATION for SPECIAL USE PERMIT # 2002-0006

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PROPERTY LOCATION: 3310 handover st.

TAX MAP REFERENCE: 15.03-06-44 ZONE: RA

APPLICANT Name: Katy Ford

Address: 3310 handover st

PROPERTY OWNER Name: Phillip HERRICK

Address: P.O. Box 442 Mclean Va. 22101

PROPOSED USE: CHILD CARE HOME

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Katy Ford
Print Name of Applicant or Agent

Katy Ford
Signature

3310 handover st.
Mailing/Street Address

703 299-6242
Telephone # Fax #

Alex. Va. 22305
City and State Zip Code

1-22-02
Date

=====**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**=====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) the Owner Contract Purchaser
 Lessee or Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license
- No. The agent shall obtain a business license prior to filing application, if required by the City Code.
2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

I am currently running a home
day care. I have been registered
with alex. city for 6 yrs. Doing
this time I can only care
for 5 children at a time. At times
a friend, a relative, may ask if I
can care for a child, with my city
Registration, I can't if it exceeds
my limit. I have a state license to care
for 9 children, along with my state
license I need a special use permit
I may never have 9 children at a
time, but if it comes up, I will be
in my limit which is 9 with state
license. My hours are 6^{Am} at which
my school age children arrive they
leave for school at 8^{Am} until 3:15^{Pm}
I have 2 all day. An assistant is

sup 2002-0006

not needed. Parking is available in front of the day care. There is no excessive noise doing this time.

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

no more than 9 children, no less than 5 children. Hrs. are 6^{Am} to 7^{Pm}

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

Monday
Tuesday
Wednesday
Thursday
Friday

6^{Am} to 7^{Pm}
6^{Am} to 7^{Pm}
6^{Am} to 7^{Pm}
6^{Am} to 7^{Pm}
6^{Am} to 7^{Pm}

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

Noise from children playing

B. How will the noise from patrons be controlled?

8. Describe any potential odors emanating from the proposed use and plans to control them:

none

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

Papers, Food containers, ect.

B. How much trash and garbage will be generated by the use?

A trash bag a day

C. How often will trash be collected?

I have a trash can in my yard which the trash is taking out daily. Trash is picked up every tuesday

D. How will you prevent littering on the property, streets and nearby properties?

When eating outside, my children have a bag outside to put trash in, then it is put in the trash can.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

B. How many parking spaces of each type are provided for the proposed use:

 ✓ Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

C. Where is required parking located? on-site off-site (check one)

If the required parking will be located off-site, where will it be located:

 ACROSS the street from the daycare

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? _____

B. How many loading spaces are available for the use? _____

C. Where are off-street loading facilities located? _____

D. During what hours of the day do you expect loading/unloading operations to occur?

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

no

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

_____ sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ sq. ft. (total)

19. The proposed use is located in: (check one)

a stand alone building a house located in a residential zone a warehouse

a shopping center. Please provide name of the center: _____

an office building. Please provide name of the building: _____

other, please describe: _____

CHILD CARE SUPPLEMENTAL APPLICATION

Supplemental information to be filed by applicants requesting special use permit approval of a child care home or child care center. All applicants must submit a plot plan of the property, showing play areas and parking and an interior floor plan.

Child Care Homes

Applicants requesting special use permit approval of a child care home for six to nine children within a home shall complete this section.

1. Is the proposed facility the principal residence of the operator? Yes. No.
2. Is the operator registered with the City of Alexandria Office of Early Childhood Development to provide child care in the home? Yes. No.
3. How many children, including resident children, will be cared for? 6 Right now.
4. How many children reside in the home? 2 children
5. How old are the children? (List the ages of all children to be cared for)
 Resident: 8 yrs. 16 mo.
 Non-resident: 2-8 yr. 1-6 yr. 1-14 mo.
6. A minimum of 75 square feet of outdoor play area must be provided for each child above age two, on the lot.
 Play area required:
 Number of children above age two: 4 x 75 square feet = _____ square feet.
 Play area provided: 50 square feet.
7. If the lot does not have room for on-site play area, is the child care home within 500 feet of a park or playground available for the children to play in? Yes. No.

If yes please describe the play area:

ACROSS the street FROM playground.
It is a city playground, handover park

If a play area that is not owned or leased by the operator is to be used by the children, written permission from the owner must be obtained and a copy submitted with this application.

Please note: child care homes are not permitted to display signs.

Child Care Homes and Child Care Centers

Applicants for both child care homes and child care centers (day care center, day nursery, and nursery schools) must complete the following section:

8. How many employees will staff the child care facility, including the operator?

1

How many staff members will be on the job at any one time? 1

9. Where will staff and visiting parents park? in front of day care.

10. Please describe how and where parents will drop-off and pick-up children.

My parents drop off there kids & pick up there kids in front of my home

11. At what time will children usually be dropped-off and picked-up.

Drop-off

Pick-up

6 AM, 9 AM

6 PM, 7 PM

12. What type of outdoor play equipment is proposed for the child care facility, if any? Where will it be located on the property?

13. Are play areas on the property fenced? Yes. No.

If no, do you plan to fence any portion of the property? Yes. No.
Please describe the existing or proposed fence.

Child Care Centers Only

Applicants for child care centers (day care center, day nursery, and nursery schools) must complete the following section:

14. How many children will be cared for during one day? Right, now I have 6
Kids
15. What age children do you anticipate caring for? _____
16. Does the operation have a license from the State of Virginia for a child care facility?
 Yes. No. If yes, provide a copy of the license.

Commonwealth of Virginia

DEPARTMENT OF  SOCIAL SERVICES

FAMILY DAY HOME LICENSE

Issued to Katy L. Ford

Address 3310 Landover Street, Alexandria, Virginia 22305

This license is issued in accordance with provisions of Chapter 10, Title 63.1, Code of Virginia as amended, the established rules and regulations of the State Board of Social Services and the specific limitations prescribed by the Commissioner of Social Services as follows:

Capacity: 9 Children from birth through 12 years of age may be accepted for care.

- An assistant must be provided based on the ages and numbers of children in care as required by the Minimum Standards.
- This license does not exempt licensee from maintaining compliance with local ordinances and laws.

This license is not transferable and will be in effect from December 7, 2001 through December 6, 2002 unless revoked for violations of the provisions of law, or failure to comply with the limitations stated above.

ISSUING OFFICE:
Division of Licensing Programs
Fairfax Area Office
11320 Random Hills Road, Suite 200
Fairfax, Virginia 22030
Telephone: (703) 934-1505

LICENSE NUMBER FX. 01-876-L105

SONIA RIVERO

COMMISSIONER OF SOCIAL SERVICES

By Sharon Seltschmacker

Title REGIONAL LICENSING ADMINISTRATOR

Date December 11, 2001

SEP 2002-2006

DATE: *December 27, 2001*

PERMIT: 854

FAMILY CHILD CARE HOME REGISTRATION



This registration is issued to:

Katy Ford

To operate a Family Child Care Home at:

3310 Landover Street

Alexandria, Virginia 22305

from ***September 1, 2001*** to ***August 31, 2002***

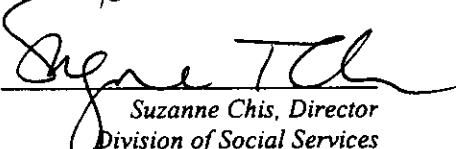
Serving no more than ***4(four)*** non-resident children at any one time.

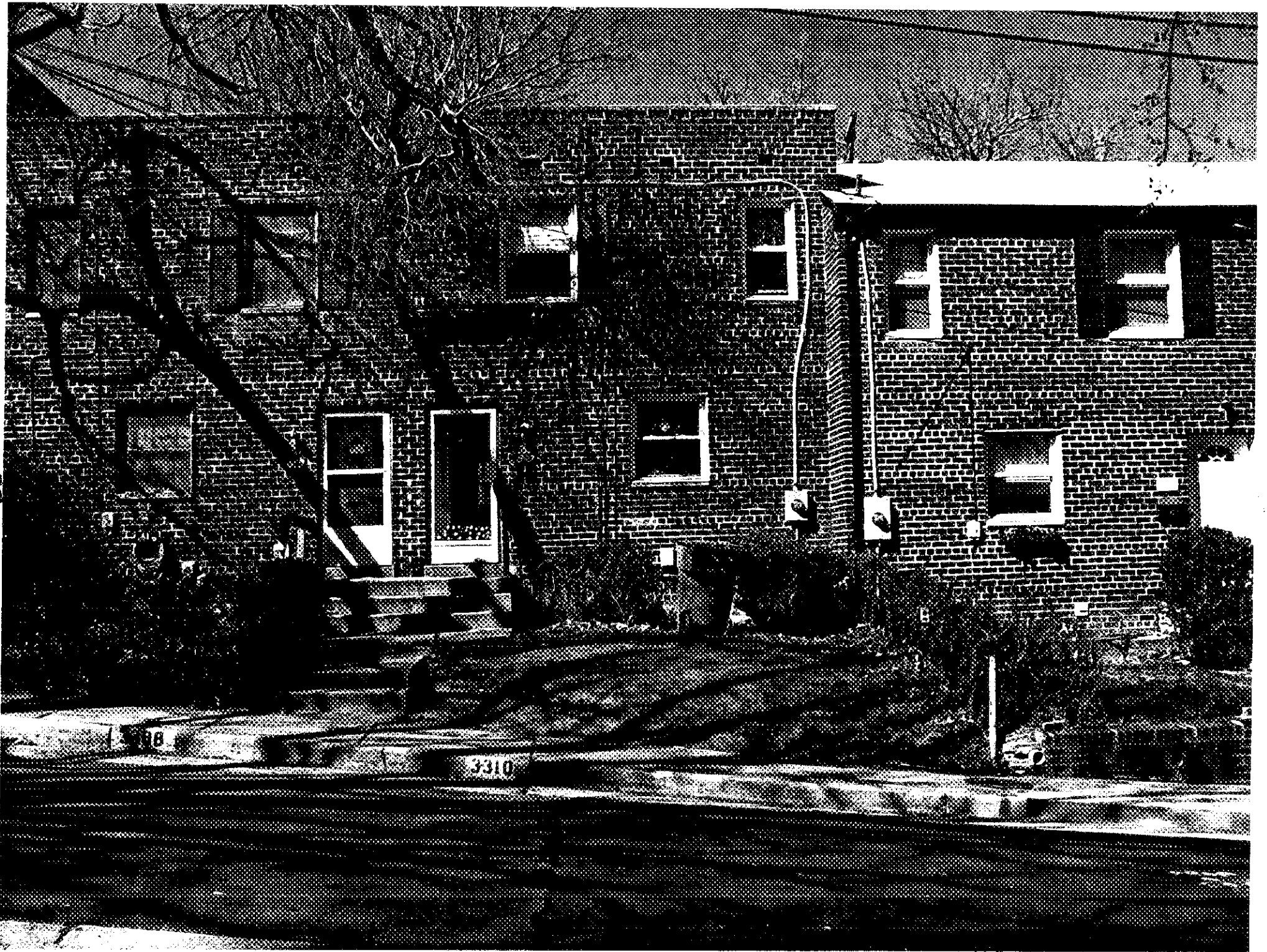
The following individuals are authorized to provide or assist in the provision of child care services at the above address:

The following individuals over 18 reside at the above address:

This registration is issued in accordance with Title 12, Chapter 3, of the Side of the City of Alexandria, Virginia, and is subject to all provisions thereof. No change in the information covered by this registration may occur without prior approval of the Alexandria Division of Social Services.

This registration must be displayed conspicuously in the child care home. While this registration is a legal requirement for providing child care services in a family child care home operated in the City of Alexandria, this registration does not constitute official city approval of the actual child care services being provided by this registered child care home.


Suzanne Chis, Director
Division of Social Services
City of Alexandria



SRP 2002-0006

APPLICATION for SPECIAL USE PERMIT # 2002-0006

[must use black ink or type]

PROPERTY LOCATION: 3310 Handover St.

TAX MAP REFERENCE: 15.03-06-44 ZONE: RA

APPLICANT Name: Katy Ford

Address: 3310 Handover St

PROPERTY OWNER Name: Phillip HERRICK

Address: P.O. Box 442 McLean Va. 22101

PROPOSED USE: CHILD CARE HOME

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Katy Ford
Print Name of Applicant or Agent

Katy Ford
Signature

3310 Handover St.
Mailing/Street Address

703 299-6242
Telephone # Fax #

Alex. Va. 22305
City and State Zip Code

1-22-02
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 4/02/02 RECOMMEND APPROVAL UC

ACTION - CITY COUNCIL: 04/13/02PH-- CC approved the recommendation of the Planning Commission.