

Docket Item #4
SPECIAL USE PERMIT #2004-0064

Planning Commission Meeting
September 9, 2004

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

APPLICANT: Heitha M. Beane

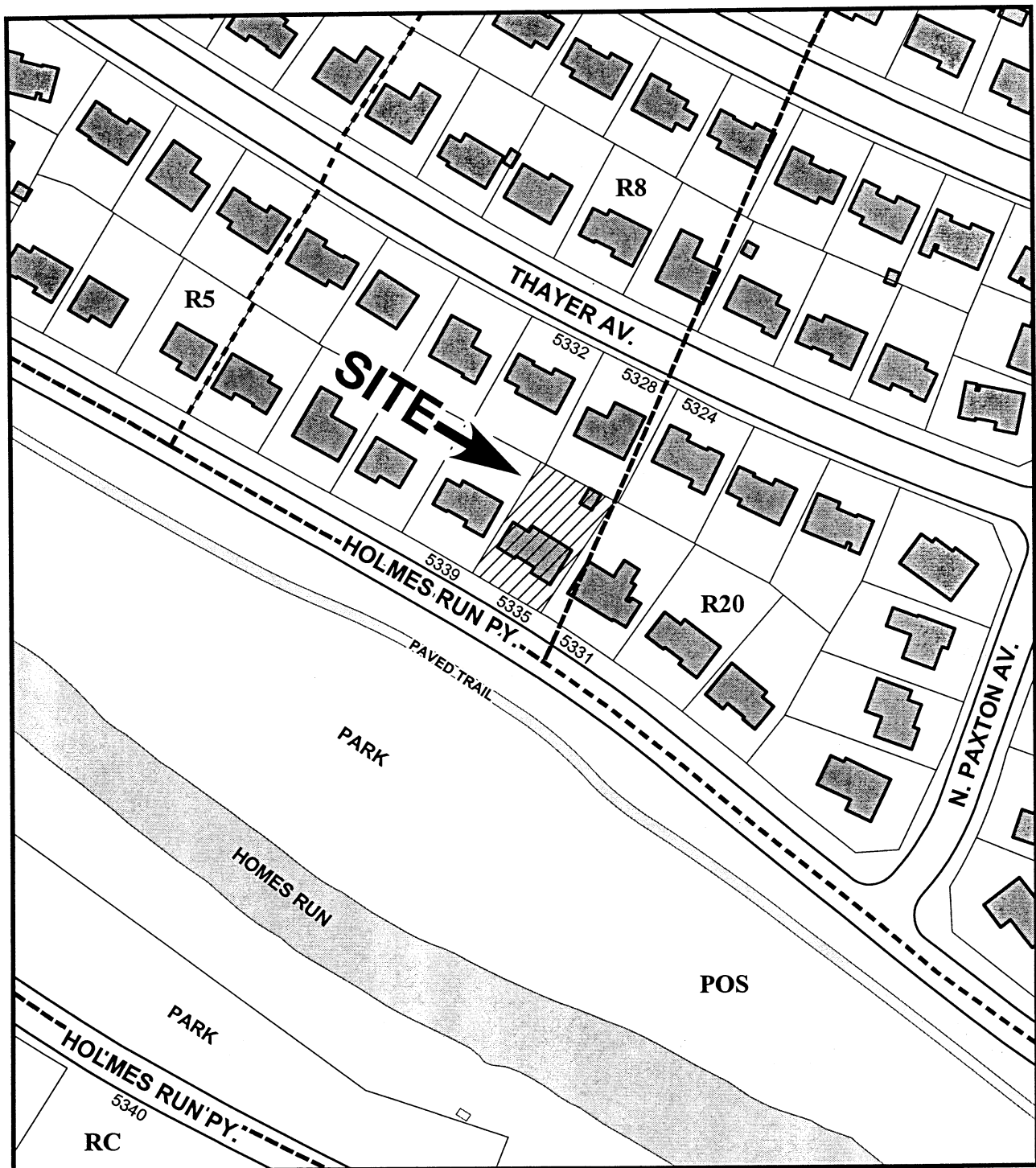
LOCATION: 5335 Holmes Run Parkway

ZONE: R-8/Residential

PLANNING COMMISSION ACTION, SEPTEMBER 9, 2004: 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.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the permit conditions found in Section III of this report.



SUP #2004-0064

09/09/04



I. DISCUSSION

REQUEST

The applicant, Heitha M. Beane, requests special use permit approval for the operation of a child care home with a maximum of nine children located at 5335 Holmes Run Parkway. Pursuant to Section 7-500(B) of the zoning ordinance, a child care home for six to nine children requires special use permit approval.

SITE DESCRIPTION

The subject property is one lot of record with approximately 65 feet of frontage along Holmes Run Parkway and a total lot area of 7,270 square feet. The site is located in the Seminary Valley community and developed with a garage and a split level, single-family dwelling where the applicant resides.

SURROUNDING USES

The property is surrounded by residential uses with predominantly single-family structures. The building faces Homes Run stream and the surrounding park, which contains bike and walking trails, open space and playground equipment.

PROJECT DESCRIPTION

The applicant has been a registered family child care provider with the City of Alexandria since August 1, 2003, and, without an SUP, is allowed to care for three children in addition to her own two children, who are five and two years old. The applicant seeks permission to increase the number of children in her care to nine, and has applied to the State Department of Social Services for a license to expand her child care services. Both the lower levels of the building, which are directly connected and have an approximate area of 560 square feet, will be devoted to child caring activities.

Age of children: According to the applicant, the children will range in age from one to five years.

Hours of operation: The applicant intends to offer child care services from 7:30 A.M. to 5:30 P.M., Monday through Friday. The drop-off and pick-up times will vary depending on the parents' schedules but will typically remain in the perimeters of 7:00 A.M. to 8:00 A.M. for drop-off and 5:00 P.M. to 6:00 P.M. for pick-up.

Outdoor play area: The applicant uses the approximately 3,000 square feet of fenced rear yard for outdoor activities. By providing more than 75 square feet of outdoor play area per child above the age of two, the applicant exceeds the requirements stipulated under Section 7-500 (B) of the zoning ordinance. Holmes Run City Park provides additional outdoor

play area with its bike and walking trails, open space and playground equipment.

Employees: The applicant and one co-teacher/assistant will staff the child care home whenever more than five children, including her own, are in her care. Requirements for the assistants' training are specified under the recommended permit conditions.

Trash: The applicant anticipates that three bags of trash per week will be generated by the proposed use. Trash is disposed of in a bin located on the property and is collected along with the residential garbage in the neighborhood once a week.

Noise: The applicant anticipates some noise generated from children playing in the backyard. However, children are under supervision at all times and are not allowed to go outside without her permission. The applicant and staff escort the children during any outdoor and off-site activities.

PARKING

Section 8-200 (A) of the zoning ordinance does not specify a particular parking requirement for a child care home. However, on-street public parking spaces are available along Holmes Run Parkway in front of the applicant's home that should allow for safe pick-up and drop-off of children away from vehicle travel ways. Additionally, the applicant's residence has a driveway accommodating two vehicles.

ZONING

The subject property is located in the R-8/Single-family Residential zone. Section 3-302 (C) of the zoning ordinance allows a child care home in the R-8 zone only with a special use permit. The proposed use is consistent with the Seminary Hill/Strawberry Hill Small Area Plan chapter of the Master Plan, which designates the property for residential use.

II. STAFF ANALYSIS

Staff has no objection to the proposed child care home located at 5335 Holmes Run Parkway. 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, Office of Early Childhood Development (OECD), states that the applicant has been a registered family child care provider for more than one year and is in the process of obtaining a State License for the larger facility. OECD recommends approval of the application.

Adequate open space is provided on-site. In addition, the Holmes Run City Park is located in the vicinity of the child care home. Adequate on- and off-site parking is available. Staff notes that parents will likely drop off or pick up their children at different times, staggering the demand for parking and reducing the overall impact of additional cars associated with this use.

Consistent with the recommendation of the Department of Human Services, staff has included standard child care home conditions and a condition limiting the maximum number of children to be cared for by the applicant to nine. Finally, staff recommends a condition requiring a review of the child care home after it has been operational for one year.

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

III. RECOMMENDED PERMIT CONDITIONS

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 applicant shall provide child care for no more than nine children at any one time. (P&Z) (OECD)
3. The applicant shall comply with all other department's recommendations, and the licensing and registration requirements and other limitations of local and state regulations. (OECD)
4. The applicant shall have the help of assistants who have successfully been trained and certified in First Aid procedures whenever more than five children, including her own, are in her care. (OECD)
5. This special use permit shall not be effective unless and until the child care home for up to nine children is licensed by the Virginia Department of Social Services. (P&Z)
6. Only one "non-resident" assistant shall be permitted on-site at any one time. (P&Z)
7. The hours of operation shall be limited to between 7:00 A.M. and 7:00 P.M., Monday through Friday. (P&Z)

8. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
9. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the child care home, and regarding safety programs available through the department for the children. This shall be completed prior to the child care home opening for business. (Police)
10. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements. (P&Z)
11. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
12. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year 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, which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (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 of the permit conditions, 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: Eileen Fogarty, Director, Department of Planning and Zoning;
Bettina Irps, Urban Planner.

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.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line.
- 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 this facility will be licenced as a family day home by the Virginia Department of Social Services. If this does not occur then the number of children served at one time shall be limited to five.
- C-2 Smoke detectors shall be provided in all sleeping areas.
- C-3 Fire extinguishers shall be provided at 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 at 703-838-4520 regarding a security survey for the child care home. This is to be completed prior to the child care home opening for business.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a safety programs available through the department for the children.
- F-1 There were no calls for police service except for one call in 2001 for found property.

Human Services:

- F-1 Ms. Heitha Beane of 5335 Holmes Run Parkway has been a registered family child care provider since August 1, 2003. Her current child care permit expires on July 31, 2004. She is allowed to care for three children in addition to her own two children. Her son is five years old and her daughter is two years old.
- F-2 Ms. Beane wishes to expand her child care business and be able to care for up to nine children. She has begun the process to qualify for a State license. Ms. Beane was employed as a counselor at a Fairfax County elementary school. Ms. Beane is interested in caring for children between the ages of one and five years. She completed six hours of pre-service training on June 28, 2003 to qualify for a City child care permit. She is certified in first aid through July 2006. Ms. Beane demonstrates a good understanding of the developmental needs of children and is very culturally sensitive.
- F-3 Her assistant will be Ms. Jami Massjouni and she has a degree in elementary education. They plan to offer child care services on Tuesdays, Wednesdays and Thursdays from 7:30 am until 5:30 pm.
- F-4 The Beane home is a split level brick home in the Seminary Valley community. There are three bedrooms, a recreation room, living room, dining room and kitchen. There is fenced backyard play space. Housekeeping standards are very good. Due to past flooding of the lower level there is, as of this writing, work being done to correct that problem. Consequently the lower level area that will be devoted to child caring activities is not yet furnished. The house faces Holmes Run Park which has bike and walking trails, open space and playground equipment.
- R-1 Approval of the Special Use Permit for no more than nine children, pending compliance with other departments' recommendations and the completion of the repairs of the lower level that will be used for child care, and subject to the licensing and registration requirements and other limitations of local and state regulations, and on the condition that she will always have the help of assistants who have successfully been trained and certified in First Aid procedures whenever more than five children, including her own, are in her care.

APPLICATION for SPECIAL USE PERMIT # 2004-0064

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PROPERTY LOCATION: 5335 Holmes Run Pkwy, Alexandria, VA 22304

TAX MAP REFERENCE: 038.04 Block 11 Lot 17 ZONE: R-8

APPLICANT Name: Heitha M. Beane

Address: 5335 Holmes Run Pkwy., Alexandria, VA 22304

PROPERTY OWNER Name: SAME AS ABOVE

Address: SAME AS ABOVE

PROPOSED USE: DAYCARE 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.

HEITHA M BEANE
Print Name of Applicant or Agent


Signature

5335 HOLMES RUN Pkwy
Mailing/Street Address

703-370-0998
Telephone # Fax #

ALEXANDRIA VA 22304
City and State Zip Code

6/25/04
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.

X 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?

- N/A 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 requesting a special use permit to care for up to 9 children in my home. I have applied for my VA license and will operate within the strict regulation they set. The children cared for will be between the ages of 1 to 5 years old.

I have my Master's in elementary school counseling and will be working with a co-provider who has a degree in elementary education. Both of us will be present whenever 5 or more children are in care.

We will be converting the two downstairs levels of my home into an exciting, safe play and learning space for young children. The space includes two large rooms a bathroom and entry area. There will be stations set up such as make believe, reading, and art. We will be providing cots for naptime and healthy meals and snacks for the children. The day will be structured will plenty of play, outdoor time, and age-appropriate learning.

The maximum hours of operation will be between 7-6pm. The actual times will be more like 8-3pm or three days 7-5:30pm. The times will depend of the needs of the parents but will stay in those perimeters.

There are two parking spots in the driveway where the providers will park. Because Holmes Run Park is across the street there is plenty of parking on both sides of the street without disturbing neighbors. Drop-off and pick-up should not be a problem.

The only noise generated from the property is the sound of children playing in the backyard 2-3 times a day.

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).

7 children - daycare open from 7am → 6pm Mon → Fri

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

One co-teacher present at all times that more than 5 children are present. Substitutes as needed.

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

Day:

Mon → Fri.

Hours:

7am → 6pm

(Actual time will be less - depending on the parents needs)

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

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

The children will play in back yard 2-3 times a day weather permitting.

B. How will the noise from patrons be controlled?

The children will be closely supervised so
to not get out of control. They will be allowed
to make an appropriate amount of noise for outdoor play.

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

Used diapers and trash will remain in enclosed
trash cans.

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?

Used diapers, craft supplies, paper plates

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

Approx 3 bags a week

C. How often will trash be collected?

Once a week

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

Keep trash in closed containers until trash day.
Daily monitoring of littering on property and surrounding
areas.

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?

Child safety measures mandated by the State of Virginia will be followed.

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.
- * Private Drive

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:

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?

7-9am, 3 or 6pm

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

per day

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?

Adequate

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?

560 sq. ft. (existing) + 0 sq. ft. (addition if any) = 560 sq. ft. (total)
+3,000 sq. ft. outdoor space

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. + licensed by the State of VA (applied)
- 3. How many children, including resident children, will be cared for? 9
- 4. How many children reside in the home? 2

5. How old are the children? (List the ages of all children to be cared for)

Resident: 1 1/2 yrs + 5 yrs

Non-resident: 1 yrs + 5 yrs

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: 8 x 75 square feet = 600 square feet.
 Play area provided: 3,000 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:
Holmes Run Park is across the street.

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?

2

How many staff members will be on the job at any one time? 2

9. Where will staff and visiting parents park? In driveway

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

There is plenty of street parking on both sides of street (park on otherside). Parents will pull up and walk to back of house where entrance to daycare will be.

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

Drop-off
between 7-9am

Pick-up
Either between 2³⁰3pm
or between 5-6 pm

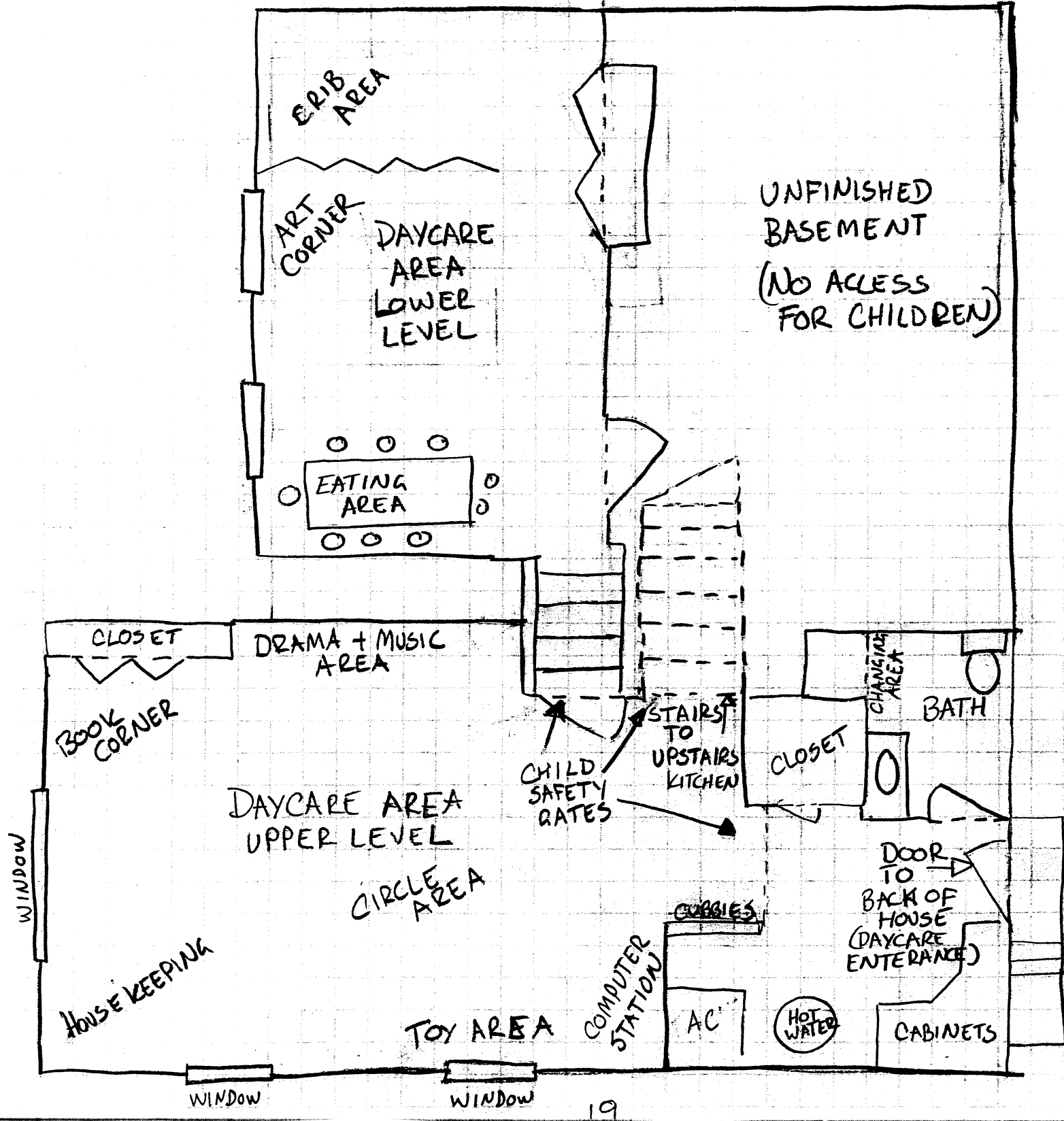
12. What type of outdoor play equipment is proposed for the child care facility, if any? Where will it be located on the property?

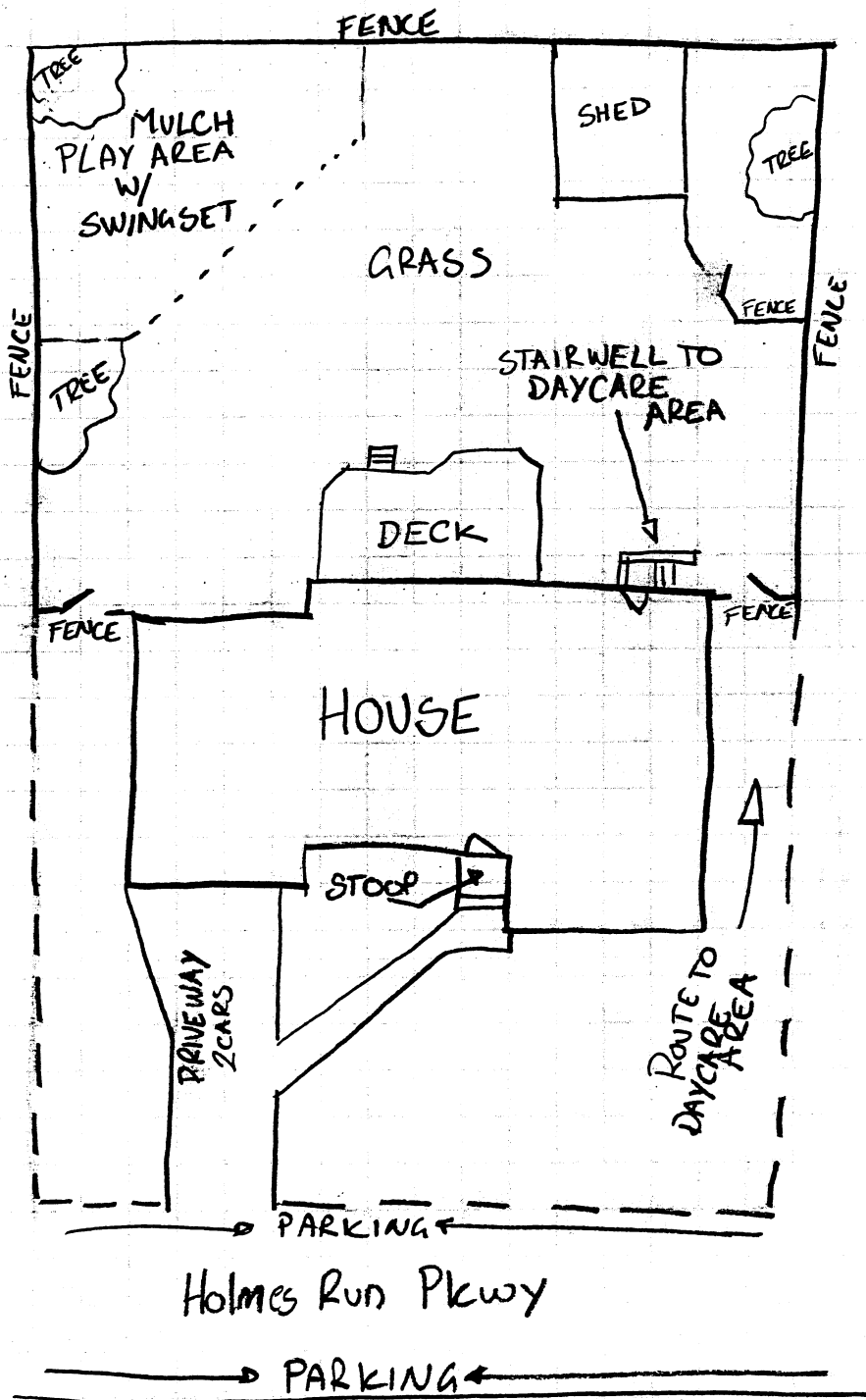
There is a wooden swingset w/ 6" ^{deep} of mulch, there will also be plastic play equipment for younger children and a sand box

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.

INDOOR PLOT OF
 AREA USED FOR
 DAYCARE.
 5335 HOLMES RUN Pkwy
 621104
 □ = 1 sq foot





HOLMES RUN PARK

OUTDOOR PLOT OF
5335 HOLMES RUN PKWY.

□ = 4 sq. feet

6/21/04

APPLICATION for SPECIAL USE PERMIT # 2004-0064

[must use black ink or type]

PROPERTY LOCATION: 5335 Holmes Run Pkwy, Alexandria, VA 22304

TAX MAP REFERENCE: 038.04 Block 11 Lot 17 ZONE: R-8

APPLICANT Name: Hei tha M. Beane

Address: 5335 Holmes Run Pkwy., Alexandria, VA 22304

PROPERTY OWNER Name: SAME AS ABOVE

Address: SAME AS ABOVE

PROPOSED USE: DAYCARE HOME

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HEITHA M BEANE
Print Name of Applicant or Agent


Signature

5335 HOLMES RUN PKWY
Mailing/Street Address

703-670-0998 _____
Telephone # Fax #

ALEXANDRIA VA 22304
City and State Zip Code

6/25/04
Date

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

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

ACTION - PLANNING COMMISSION: 9/9/04 RECOMMENDED APPROVAL UC
9/21/04 CC approved the recommendation of the

ACTION - CITY COUNCIL: Planning Commission 7-0