

EXHIBIT NO. 1

11  
10-13-07

Docket Item #7  
SPECIAL USE PERMIT #2007-0064

Planning Commission Meeting  
September 6, 2007

**ISSUE:** Consideration of a request for a special use permit to operate a daycare center.

**APPLICANT:** J, S and Family

**STAFF:** Richard W. Bray  
Richard.bray@alexandriava.gov

**LOCATION:** 1447 Duke Street, 346 Commerce Street & 211 Commerce Street

**ZONE:** CD/Commercial Downtown

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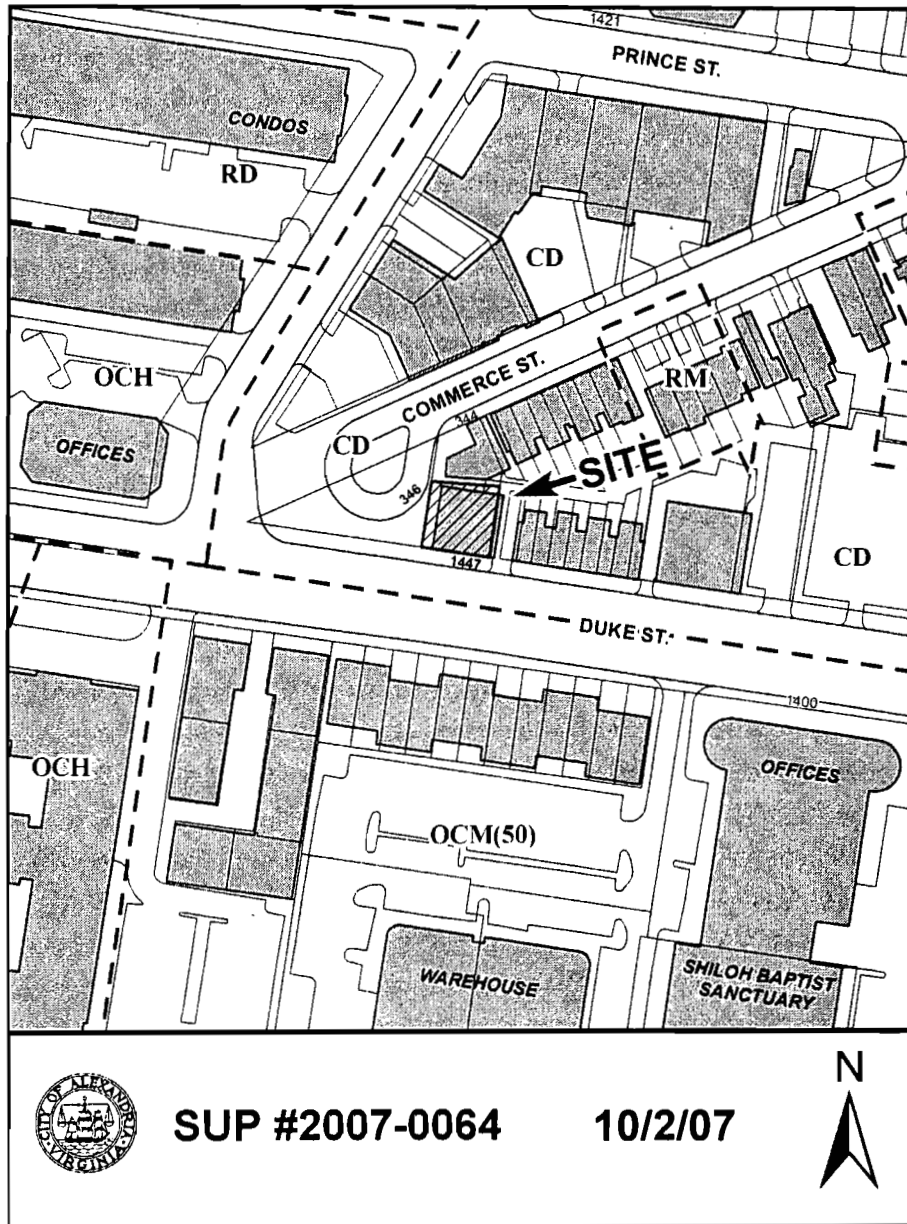
**PLANNING COMMISSION ACTION, OCTOBER 2, 2007:** On a motion by Mr. Komoroske and seconded by Mr. Robinson, the Planning Commission voted to recommend approval subject to compliance with all applicable codes, ordinances, and staff recommendations. The Planning Commission directed staff to evaluate the applicant's request for greater enrollment before the October 13 City Council hearing. The motion carried on a vote of 6-0-1. Mr. Dunn recused himself.

**Reason:** The Planning Commission agreed with the staff analysis.

**Speakers:**

Ms. Ulka Patel, of Nealon & Associates, representing the applicant, requested an amendment to condition number 2 to allow for a total of 147 children to be cared for at the center. The request was prompted by a re-evaluation of the property by Virginia Department of Social Services.

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



## I. DISCUSSION

### REQUEST

The applicant, J, S and Family, requests special use permit approval for the operation of a day care and private school located at 1447 Duke Street.

### SITE DESCRIPTION

The subject property is one lot of record with 52 feet of frontage on Duke Street, 54 feet of depth and a total lot area of 2,943 square feet. The site is developed with a three story office building. Access to the property is from Duke Street and Commerce Street.

The surrounding area is occupied by a mix of residential and office uses. Immediately to the north are residential townhouses. To the south are townhouses developed with offices and residences. To the east are residential townhouses and to the west are offices.



### BACKGROUND

On September 18, 1999, City Council granted Special Use Permit #99-0068 to St. Coletta's Private School for the operation of a private school with 45 students, located at 1447 Duke Street. The off street parking was provided at Shiloh Baptist Church.

On November 20, 2006, staff administratively approved Special Use Permit #2006-0099, a change of ownership to Shiloh Baptist Church.

The subject property is not currently occupied.

### PROPOSAL

The applicant proposes to operate a day care and private school for 111 students in the building located at 1447 Duke Street. The applicant anticipates 37 staff members to care for children and provide administrative support. The center will care for children aged six weeks to 12 years old. The applicant proposes to construct a private playground at 211 Commerce Street as an accessory use to the day care.

Hours: 7:00 am – 6:00 pm, Monday – Friday

Number of children: 111

Noise: No anticipated noise impacts at 1447 Duke Street, the playground will have moderate noise levels from children playing outside

Trash/Litter: Trash will be collected three times per week, staff will ensure that the children do not contribute to litter

#### PARKING

According to Section 8-200(A)(11) of the Zoning Ordinance, a day care center requires two parking space for every classroom. A daycare center with nine classrooms will be required to provide 18 off-street parking spaces. The applicant is leasing the required spaces from Shiloh Baptist Church at 1401 Duke Street. Shiloh Baptist has included the stipulation that the parking will not be available on days when funerals are to be held at the church. The applicant has formulated a contingency plan for staff parking on these days. On days when Shiloh Baptist has a funeral scheduled, the day care staff will be able to park at the applicant's school in Mount Vernon which has an abundance of parking. The applicant will use the center's bus to shuttle employees to work from Fairfax County. Additionally the applicant will subsidize transit fare on days when the parking lot is not available.

#### ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CD/Commercial Downtown zone. Section 4-503(G) of the Zoning Ordinance allows a day care center in the CD zone only with a special use permit.

The proposed use is consistent with the King Street/Eisenhower Avenue Small Area Plan chapter of the Master Plan which designates the property for a mix of retail, office, and service uses.

## **II. STAFF ANALYSIS**

Staff supports the application for child care at 1447 Duke Street. There is a great demand for quality child care in the city. With its proximity to both Old Town and the Carlyle development this location will provide convenient child care to many Alexandria residents and workers.

Staff recognizes the potential for traffic impacts on Duke Street with this use. Transportation & Environmental Services supports a loading zone at the terminus of Commerce Street for drop-off and pick-up of children. Staff has included a condition forbidding the use of Duke Street for purposes of drop-off and pick-up and a condition requiring the applicant to submit a comprehensive plan for managing the drop-off and pick-up of children to Planning & Zoning.

The applicant has acquired the property at 211 Commerce Street to use as a playground for the children. This playground will be utilized by this daycare center and the Tiny Tots Playroom that the applicant operates at 1500 King Street. Although the proposed playground is approximately 800 feet from the subject property staff believes that this will be an acceptable site for a playground as the route is relatively free of traffic.

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

### III. RECOMMENDED 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 corporation in which the applicant has a controlling interest. (P&Z)
2. No more than 111 children shall be permitted at the day care facility. (P&Z)
3. The hours of operation of the daycare center shall be limited to Monday through Friday, 7:00 am – 6:00 pm. (P&Z)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. 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)
6. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
7. Duke Street may not be used for the purpose of dropping off or picking up children from the center. (P&Z)
8. Legal parking spaces or the designated loading zone must be used when dropping off or picking up children from the center. (P&Z)
9. The applicant must submit a comprehensive plan for the management of drop-offs and pick-ups to the satisfaction of the Director of Planning & Zoning prior to issuance of an occupancy permit. (P&Z)
10. The outdoor play area located at 211 Commerce Street may not be used before 9:00 am. (P&Z)

11. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
12. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
13. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
14. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the child care center. This is to be completed prior to the child care facility opening for business. (Police)
15. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for employees. (Police)
16. The Director of Planning and Zoning shall review the special use permit after it has been operational for six months and again after 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 the result of a complaint that rises to the level of a violation of the permit conditions, (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: Richard Josephson, Deputy Director, Department of Planning and Zoning;  
Richard Bray, Urban Planner.

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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:

- F-1 Staff supports the proposed loading zone from the cul-de-sac on Commerce Street. Loading zone will operate between 7-9:30 AM and 3:30-6PM. However, staff does not support the loading zone from Duke Street for the proposed day care facility.
- R-1 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- R-2 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-3 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- 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.
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

##### Code Enforcement:

- F-1 The current use is classified as E; the proposed use is I-4. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.

- F-2 The applicant shall submit a detailed floorplan, outlining dimensions of the proposed space to be used and any and all fire protection systems currently in place.
- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-3 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Certified Food Managers must be on duty during all hours of operation.
- C-3 Permits must be obtained prior to operation.
- C-4 Five sets of plans must be submitted to and approved by this department prior to construction.
- C-5 This facility must meet State and City Social Service requirements for air and floor space, toilet facilities, separate isolation room for sick children, lighting, temperature storage for cots, clothing. Other items may be required by state or city codes.
- C-6 If food preparation or food handling is done on the premises, five sets of plans of the food handling areas are to be submitted to the Health department for approval.



- C-7 This facility must meet commercial standards (13 or more). Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. A \$135.00 fee is required for plans review of food facilities.
- C-8 If enrollment is kept to a maximum of 12 children at any one time, the facility may use home-style (semi-public restaurant) standards for food service.

BAR:

- F-1 The subject property is located in the Old and Historic Alexandria District and is under the jurisdiction of the Old and Historic Alexandria Board of Architectural Review (BAR). The request for a SUP for child day care uses at 1447 Duke Street does not appear to indicate any proposed exterior changes to the building at this time that would require a review by the BAR and the issuance of a Certificate of Appropriateness. The applicant is reminded that any future exterior changes, including new or replacement signage, lighting, window replacement, fencing, kitchen exhaust and/or new HVAC vents or fixtures, or other alterations visible from a public right-of-way would need to be submitted for review and approval by the BAR staff and the Board of Architectural Review. It is the applicant's responsibility to inform BAR Staff when new signage, lighting, or other external alterations are proposed which require BAR review and approval.

Parks and Recreation:

- F-1 No comment.

Human Services:

- S-1 On Friday, July 27, 2007, representatives from the office for Early Childhood Development accompanied representatives of Planning and Zoning and Code Enforcement to 1447 Duke Street, which is the proposed site for Tiny Tots II.

Staff from the Office for Early Childhood Development recommended that the applicant:

- Review with state licensing and code enforcement the more restrictive requirements for a child development center for children below the age of 2.5 years;
- Work with an engineer and/or architect to create a detailed floor plan for the proposed use;
- Determine the additional cost (if any) of adapting this site to serve infants and the number of infants that site will accommodate;

- Based on the above information, determine the feasibility of operating a child care center in this location; and
- Work with Planning and Zoning to explore options for staff parking and pick-up and drop-off procedures in the circle drive in front of the building.

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the child care center. This is to be completed prior to the child care facility opening for business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for employees.



# APPLICATION

## SPECIAL USE PERMIT

SPECIAL USE PERMIT #

2007-0064

PROPERTY LOCATION:

1447 Duke St

TAX MAP REFERENCE:

073.02.07-26

ZONE:

CD

### APPLICANT

Name:

J. S. and Family

Address:

1447 Duke St

### PROPERTY OWNER

Name:

Shiloh Baptist Church

Address:

1429 Duke St. Alexandria, VA 22314

### PROPOSED USE:

Child Care / ~~Daycare~~  
PRIVATE SCHOOL

[ ] **THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 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 IV, Section 4-1404(D)(7) 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 Director of Planning and Zoning 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.

PNORMATIKAD 26884

Print Name of Applicant or Agent

3704 Colonial Ave

Mailing/Street Address

Alexandria, VA 22309

City and State

Zip Code

Signature

703-683-5170

Telephone #

703-683-2006

Fax #

Jerry@brentwoodacademy.org

Email address

6/28/07

Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received:

6/28/07

Date & Fee Paid: \$

500.00 6/28/07

ACTION - PLANNING COMMISSION:

ACTION - CITY COUNCIL:

SUP #

2007-0064



# APPLICATION

## SPECIAL USE PERMIT

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

1. The applicant is the (check one):
- ☐ 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.

Jerry K. Panouhikatos 3704 COLONIAL AVE ALEX VA 22309 50%

Suzanne F. Panouhikatos 20 50%

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 11" x 17" or smaller. Twenty-four copies are required for plans larger than 11" x 17" 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.

see attached

Revised

SUP # \_\_\_\_\_

### 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. The description should include 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.)

The applicant is requesting to receive a license to operate a daycare/private school with a capacity of 111 children. The space at 346 Commerce st was used as a private school in the past and with ~~the~~ the acquisition of the 211 Commerce st accessory space we would like to reopen it as a Daycare/private school

Revised

SUP # \_\_\_\_\_

**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).

111 children enrolled full time Monday - Friday  
from 7:00 AM till 6:00 PM

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

37 to allow for teachers, aides, overlapping  
shifts, trainees, management, accountant, lawyers

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

Day:

Hours:

Monday - Friday

7:00 AM - 6:00 PM

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

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

In the proximity of the playground M-F there will be  
laughter and chatter of children during discrete  
mid-morning and late afternoon hours

B. How will the noise from patrons be controlled?

Teachers/aides will instruct children to  
maintain suitable voice levels

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

N/A

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?

Food waste and office trash

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

~~20 trash~~ 54 bags per week

C. How often will trash be collected?

3 times / week

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

N/A

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:

Revised

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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:

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

Children will be under strict supervision of teachers/aides at all times and the building and playground will feature all required safety plans/devices. Residents staff and children will not be at risk

#### 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.

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#### 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?

16



SUP # \_\_\_\_\_

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

18 Standard spaces  
\_\_\_\_\_ Compact spaces  
\_\_\_\_\_ Handicapped accessible spaces.  
\_\_\_\_\_ Other.

C. Where is required parking located? (check one)

☒ on-site

☒ off-site

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

15 will be 1/2 block away at Shiloh Baptist Church  
3 on site

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?

none necessary

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? \_\_\_\_\_

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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?

street access is 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?

6670 sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = 6670 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: \_\_\_\_\_

Revised

SUP # \_\_\_\_\_

**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) shall complete this section.**

1. How many employees will staff the child care facility, including the operator?  
37 to allow for teachers, and overlapping shifts, trainees  
How many staff members will be on the job at any one time? management, accountant, lawyers.
2. Where will staff and visiting parents park? Employees off street  
parent, ample meter spaces by entrance
3. Please describe how and where parents will drop off and pick up children.  
The children are dropped off and picked up  
via designated loading zone per permit of  
transportation Department
4. At what time will children usually be dropped-off and picked-up?  
Drop-off 7:00 - 9:30 Pick-up 3:30 - 6:00
5. What type of outdoor play equipment is proposed for the child care facility, if any? Where will it be located on the property?  
Temporary enclosed playground as necessary located  
at 211 Commerce St
6. 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.  
Chain link

Revised

SUP # \_\_\_\_\_

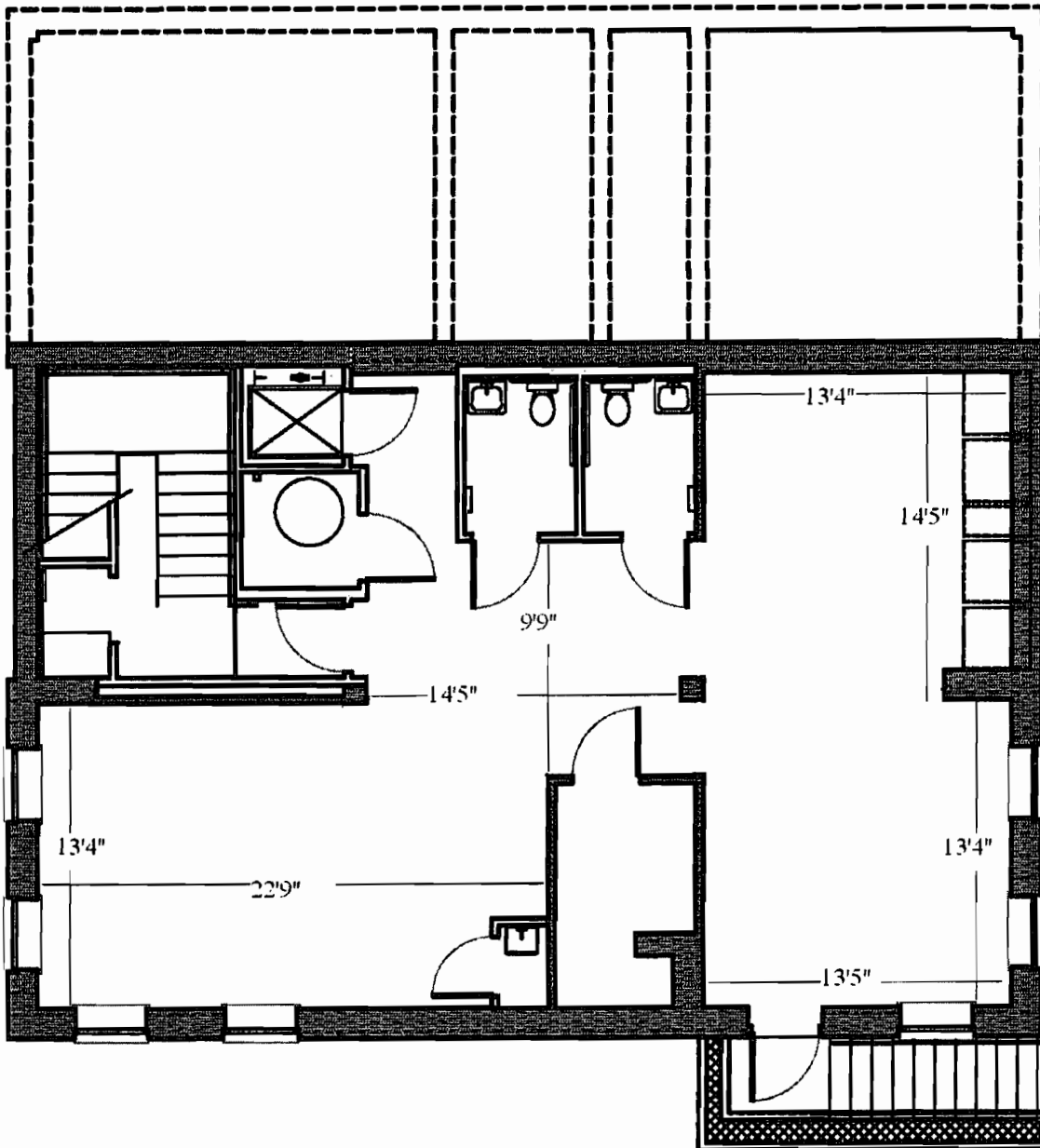
**CHILD CARE CENTERS ONLY**

**Applicants for child care centers (day care center, day nursery and nursery schools) shall complete this section.**

1. How many children will be cared for during one day? 111
2. What age children do you anticipate caring for? 6 weeks - 12 years
3. Does the operation have a license from the State of Virginia for a child care facility?  
       Yes   X   No

If yes, provide a copy of the license.

license application pending



1 class  
2 parking spaces  
785.9 sq feet  
22 children

children under 2 1/2

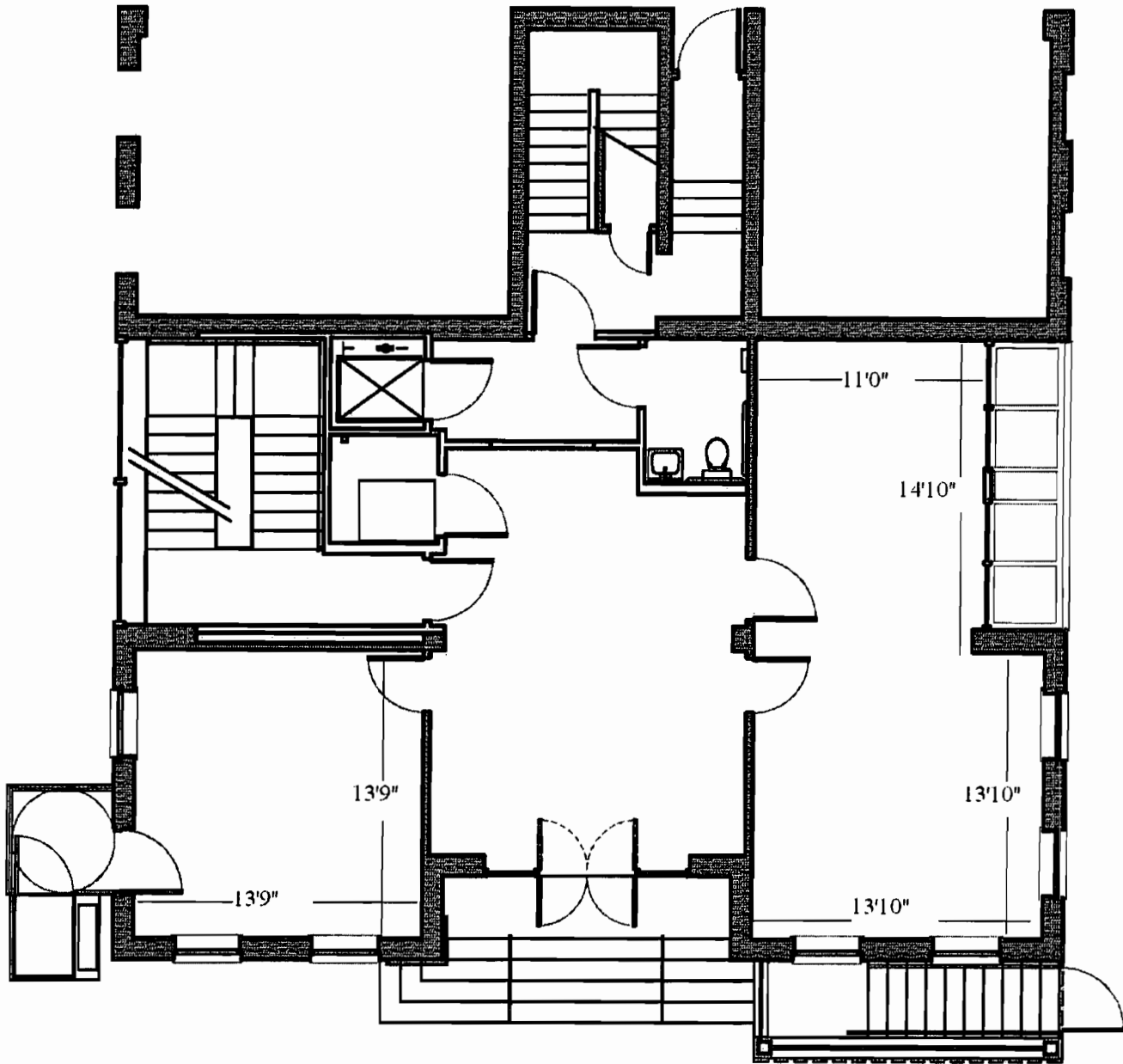
all spaces measured to  
be used by children

# BASEMENT PLAN

## 346 COMMERCE STREET

21

Revised plan



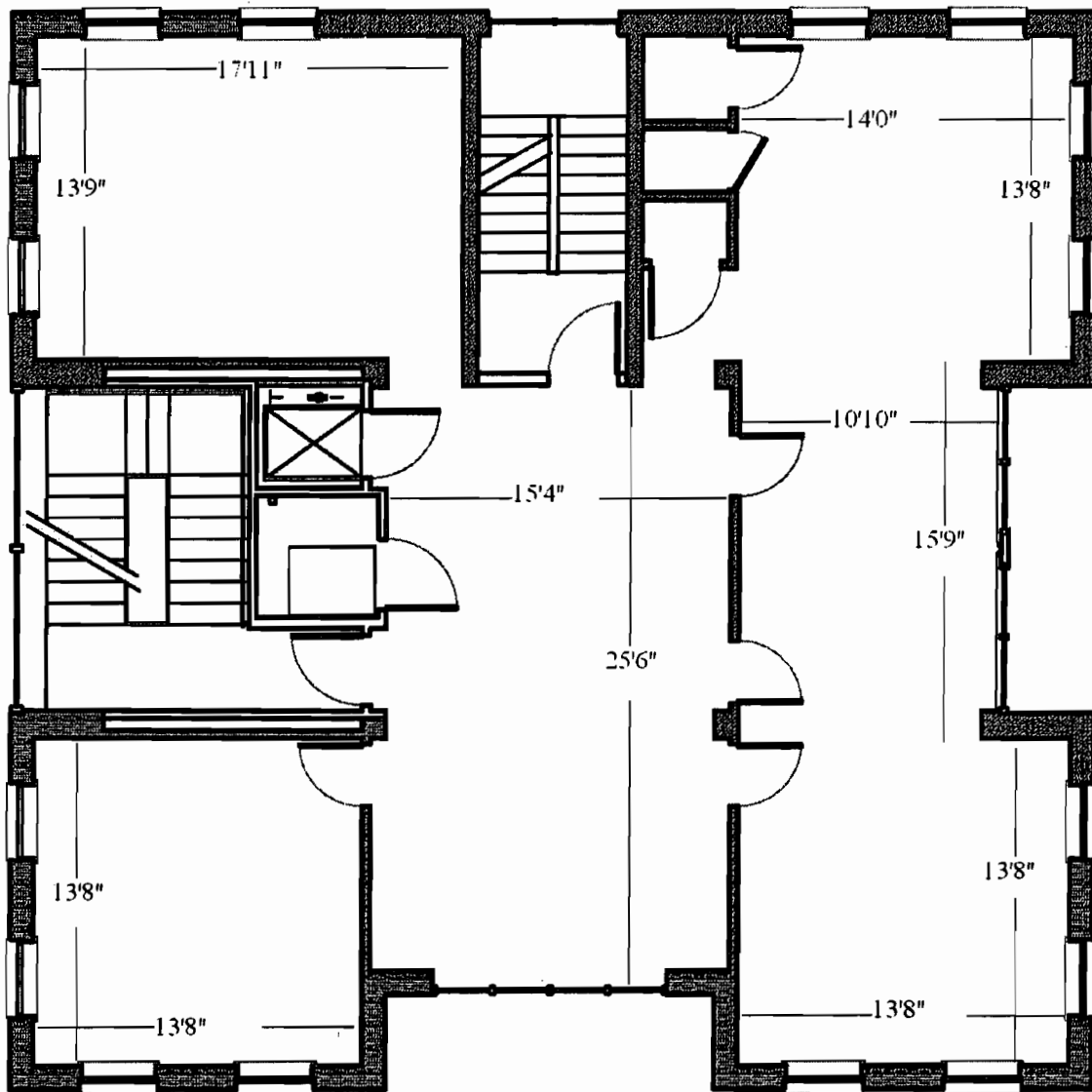
2 classes  
4 parking spaces  
543 sq ft  
15 children

children <sup>over</sup> ~~under~~ 2 1/2

all spaces measured to  
be used by children

FIRST FLOOR PLAN  
346 COMMERCE STREET

22

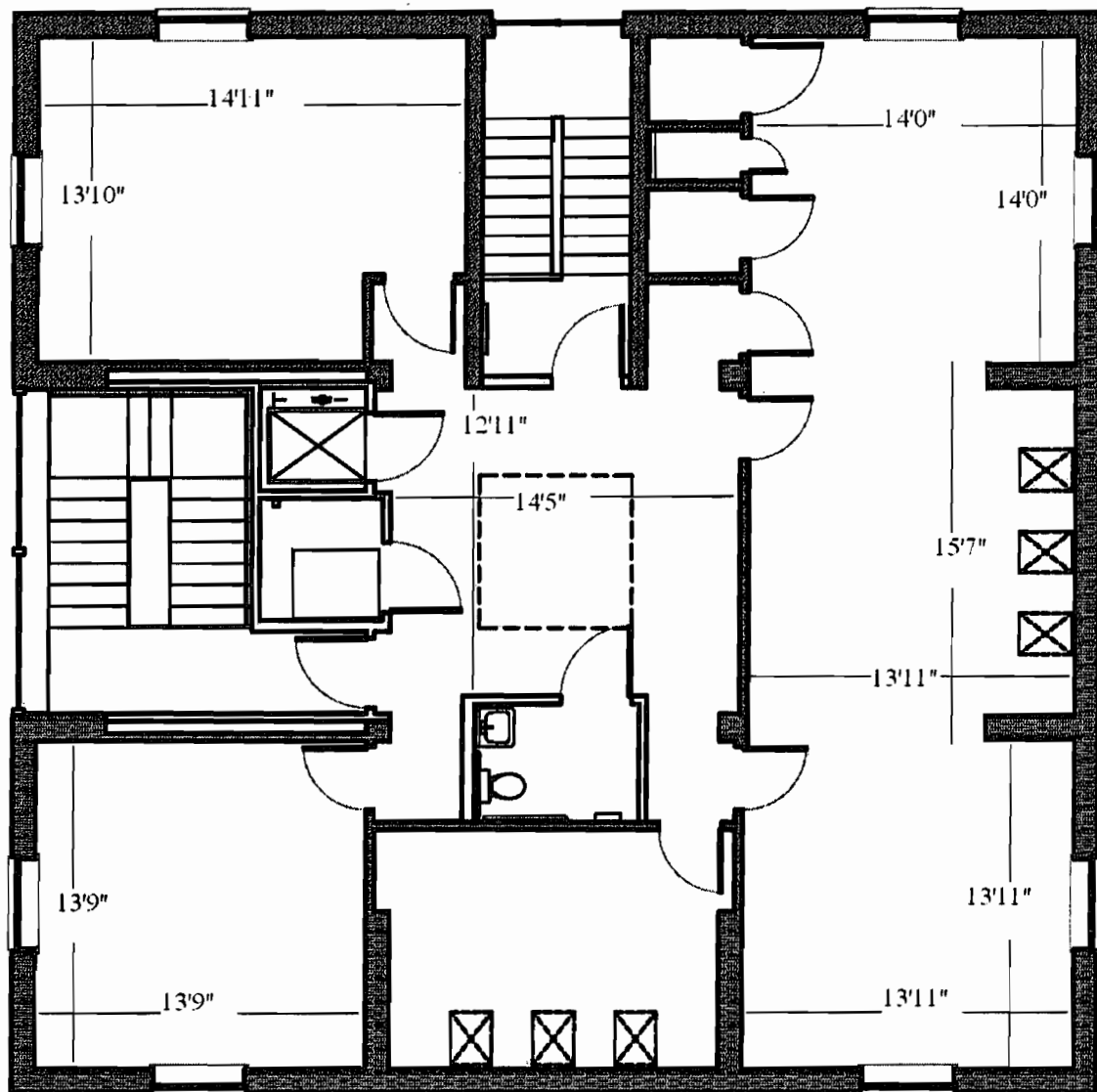


3 classes  
6 parking spaces  
1,377 sq feet  
39 children  
children 2 1/2 - 4

all spaces measured to  
be used by children

## SECOND FLOOR PLAN <sup>23</sup> 346 COMMERCE STREET

Revised plans



3 classes  
6 parking spaces  
1,229 sq ft  
35 children  
children 4 and older

all spaces measured to  
be used by children

THIRD FLOOR PLAN  
346 COMMERCE STREET

24



## Revised playground information

School located at 346 Commerce st.(aka 1447 Duke st)

Playground located one block away at 211 Commerce st.

Playground



School

25

SUP2007-00604

*Shiloh Baptist Church*

1400 - 1401 Duke Street  
Alexandria, VA 22314  
703.683.4573 office 703.683.8736 fax  
www.shiloh-bc.org  
Reverend Lee A. Earl, Senior Pastor

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July 2, 2007

Susan Owen  
346 Commerce Street  
Alexandria, VA 22314

Dear Mrs. Owens:

Shiloh Baptist Church has authorized the usage of Fifteen (15) parking spaces for your business establishment located at 346 Commerce St. Alexandria, VA 22314. The parking spaces are available at 1401 Duke St., Alexandria, from 7:00A.M. - 5:00P.M. Mon- Friday effective October 1, 2007. The donation is One Hundred-Twenty \$120.00 per month totaling \$1,800 per month. Either party may end this agreement with a thirty (30) day written notice. Because we are a church, funerals may occur during any day of the week. We will notify you by e-mail in advance to relocate your car to for that day. If you are in agreement with these conditions, please indicate your approval by signing this agreement below.

Checks should be made payable to Shiloh Baptist Church, 1429 Duke St, and payable on the first day of each month.

As always, we invite you to attend any of our Sunday Services: 7:45AM. -9:30 A.M. or 11:00A.M. Wednesday Night bible Study: 7:30P.M. -9:00P.M. or Thursday Mid-Day Bible Study: 11:30A.M. - 1:30P.M.

Thank you for this opportunity and we look forward to working with you.

Yours In Christ,

  
Carolyn A. Harvey  
Manager, Operations & Property  
Shiloh Baptist Church

  
Susan Owens

cc: Herbert D. Spears, Chairman Trustee Board  
Rev. Lee A. Earl, Senior Pastor  
Mr. Anderson Grimsley, Chair, Deacon Board  
Ms. Franceil Lang, Chair, Deaconess Board  
Carolyn Harvey, Manager of Operations  
Linda Fields, Financial Administrator



# NEALON & ASSOCIATES, P.C.

ROBERT B. NEALON \*  
JAY IAN IGIEL  
ULKA PATEL +  
MICHAEL PRITCHARD  
DONNA DOUGHERTY

ATTORNEYS AND COUNSELORS AT LAW  
119 NORTH HENRY STREET  
ALEXANDRIA, VIRGINIA 22314  
TELEPHONE (703) 684-5755 FACSIMILE (703) 684-0153

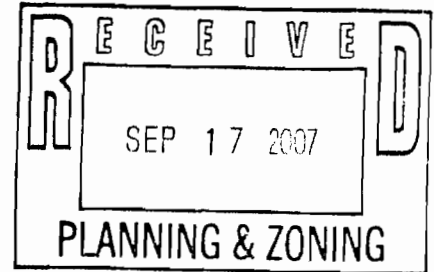
OF COUNSEL:  
LARRY ANDERSON  
JOHN CAULFIELD

\* Also admitted in NY  
+ Also admitted in DC & IL

September 17, 2007

## BY HAND DELIVERY

Mr. Richard Bray  
CITY OF ALEXANDRIA PLANNING & ZONING OFFICE



Re: 1447 Duke Street, aka 346 Commerce Street & 211 Commerce Street  
S.U.P. application for operation of a child day care

Dear Mr. Bray:

It has been a pleasure working with you on the above-referenced application, and I thank you for all the diligence you and your fellow staff members have invested in the same. As the development and processing of this application has been a matter involving many conversations with different offices over several weeks, I thought to prepare a brief narrative and attach exhibits depicting the status of our application. Please find the same herein.

I. Occupancy. As you know, we have met with Assistant Fire Marshal Andrea Buchanan and other staff from the Office of the Fire Marshal to discuss occupancy and building issues. Specifically, we addressed the classification of the building, plans for imminent remodeling, designation of rooms for children ages two and a half years and younger, and the meeting of requirements under the U.S. Building Code regarding immediate egress for the same age group. My client has provided Asst. Marshal Buchanan a schematic illustrating the anticipated layout and use for the basement level of the building, which in essence shows walls removed to create one large child care room, including and featuring direct egress access to the ground level. Asst. Marshal Buchanan, upon circulating the same to her colleagues, has issued written approval of my client's proposal provided the work to remodel the basement is performed under any and all necessary permits and my client does adhere to the depicted use pattern. Please find attached a copy of the same written approval. Please be assured that once my client performs settlement on the contract for the building, he will commence such permitting and remodeling immediately, and that no use will be made of the premises and no children under the age of two and a half years will be cared for in the building until such work is complete.

## II. Transportation.

A. Parking. As we have discussed, my client's application indicates class room designations such that eighteen (18) parking spaces will be necessary for the business. As the application indicates, the property itself features three (3) off-street parking spaces, and the neighboring Shiloh Baptist Church will be selling to my client, together with the subject property, the right to use an additional fifteen (15) parking spaces Monday through Friday. As we have discussed, the purchase of the right to use parking spaces Monday through Friday features exclusive use during these days limited only by the Church's need for parking on days when funeral services will be held during the week. Despite the unpredictable nature of this exception, the Church will have several days of notice before funeral service days, and will communicate their planned availing of this exception promptly to my client; he, in turn, will instruct his employees that on such occasions they may commute to his other child day care facility in Fairfax County, Virginia, and be transported to this property by him in his shuttle bus. My client owns and controls this shuttle bus, and it is available without exception. In reality, most of my client's employees commute via public transportation, and their travel patterns will not be upset in the least by such occasions. To support this use of public transportation, my client plans to offer stipends toward W.M.A.T.A. fare as necessary and appropriate.

B. Drop-off and Pick-up. Perhaps the most challenging aspect of this application has been reconciliation between Old Town Alexandria's need for day care services and its limited ability to host parents as they drop off and pick up their children twice each day. In most locations, the streets are either too heavily traveled for the safety of children or nearly too narrow to allow unfettered flow of traffic around parents' vehicles as they pause. However, what makes the subject property perfectly suited for a day care facility is its location on a cul-de-sac at the terminus of an obscure path – the west end of Commerce Street consists of a full circle ordered by a park island, featuring no through traffic and traveled only by residents and guests destining in the one-block stretch. Please find attached an aerial photograph marked to designate dimensions. Presently, the cul-de-sac is delineated by "no parking" signs as bookends to approximately 236 feet of curb, exclusive of access to the curb-cut leading to the sidewalk and the subject property – I understand that only 110 feet would be required by the Transportation Department for a minimum of a four-space loading zone. The cul-de-sac's path is paved twenty (20) feet across, permitting the clear passage of moving vehicles around standing vehicles. Parents and residents will share a common interest in slow and careful driving along the cul-de-sac and the one-block stretch of Commerce Street, and we imagine they will traverse the same peaceably. My client plans to operate the child day care facility between the hours of 7:00 a.m. and 6:00 p.m., and he will require use of the loading zone from 7:00 a.m. to 9:30 a.m. and 3:30 p.m. to 6:00 p.m. Most likely, resident neighbors will be preparing for school and work or commuting, themselves, during the morning drop-off session and concluding school and work and commuting again during the evening pick-up session – we do not imagine the noise of cars passing and

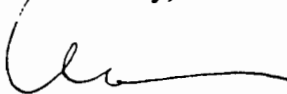
children chatting and laughing will be a nuisance at these hours. My client will be happy to assign one or more employees to the duty of monitoring parents' parking and passage during busy drop-off and pick-up hours.

III. Playground. My client also has contracted to purchase the vacant lot at 211 Commerce Street for use as a playground and accessory to the subject property. This lot is reached by traveling east on Commerce Street, within one (1) block or 500 feet of the subject property, so it meets the City of Alexandria's basic requirements. I understand that while the Recreation and Early Childhood departments do not have immediate jurisdiction over an applicant's plans for a playground, in and of itself, you will rely upon these offices to inform your recommendation of this aspect of my client's application. I have queried the Recreation staff to see if I may be of assistance. I believe my client and I are familiar with and will be addressing concerns of the Early Childhood Department in the course of striving to meet and exceed the Virginia Department of Social Services' requirements, as promulgated by the Virginia Administrative Code 22 V.A.C. 15-30 §§380 and 410. Please find attached an aerial view of the lot marked to illustrate my client's planned development. My client is familiar with the applicable regulations, and will be ensuring play groups meet area requirements considering the dimensions of this lot. In addition, it will be developed with equipment sufficient to entertain and exercise the children, offer seating and shade, feature a delineated toddler play area, and of course landscape the area with appropriate "fall zone" materials, play area boundaries, and natural grass. Please find attached my client's exhibits regarding development and maintenance plans.

My client has provided you an amended edition of his application that addresses points to which you had queried or that might have presented inconsistencies in the past edition, in accordance with my recommendations. In addition, I have provided you copies of the real estate purchase contracts and survey plats for the subject property and accessory lot. Please let me know if you need any additional information.

I look forward to scheduling a date and time to meet with the community associations who might wish to learn more about my client's projected business, and of course to attending the October 2, 2007, Planning Commission hearing. In the meantime, please call me if I can be of further assistance.

Sincerely,



Ulka Patel, Esq.

CC: File.

**upatel@nealon.com**

**From:** upatel@nealon.com  
**Sent:** Tuesday, September 11, 2007 3:52 PM  
**To:** 'Andrea.Buchanan@alexandriava.gov'  
**Subject:** RE: 1447 Duke Street

Good afternoon, Assistant Marshal Buchanan.

Thank you very much for your prompt response to Mr. Pnevmatikatos's inquiry. I will advise him as to the requirements you outline in your letter for the proper build-out of 1447 Duke Street, and of course for its use as depicted in the application and plans you received yesterday. I do understand that Mr. Pnevmatikatos has been instructed for the last several weeks that a Building Code Analysis will be required for 1500 King Street, and I will keep in touch with him about his architect's progress and our filing with your office as soon as possible.

Again, thank you for the time and consideration you clearly have invested in this permit application. I look forward to keeping in touch with you!

Thank you.

Ulka Patel, Esq.

**NEALON & ASSOCIATES, P.C.**

---

**From:** Andrea.Buchanan@alexandriava.gov [mailto:Andrea.Buchanan@alexandriava.gov]  
**Sent:** Tuesday, September 11, 2007 2:34 PM  
**To:** upatel@nealon.com; Richard.Bray@alexandriava.gov; James.Hunt@alexandriava.gov  
**Subject:** 1447 Duke Street

Ma'am as a follow-up to our meeting of Monday September 10, 2007 a review by staff for the occupancy of children 2.5 years and younger will be granted for the basement of 1447 Duke Street *and no other space within this building*. The requirements for this occupancy is based upon your client / applicant adhering to the revised plan submitted to staff in the meeting. The plan shows the space as a single room with no obstructions to the exit discharge. The gate at the top of the stairs must be removed. Proper permits must be obtained for the renovation of the basement space (separate rooms to a single room) to include a Building, Electrical, Mechanical and Fire Prevention Permits.

In regards to 1500 King Street the email attached below was sent to you and your client on August 8, 2007 by Richard Bray clearly outlining what your client needed to provide Code Enforcement in order for our office to evaluate the proposed increase of occupancy. Those requirement are still in effect for 1500 King Street.

Dear Mr. Pnevmatikatos:

Per our conversation of 8/08/07 and the site visit of 7/27/07 I am writing to address the issues with your application for child-care at 1500 King Street and 1447 Duke Street.

#### 1500 King Street

In order to consider an increase the occupancy at this site, Code Enforcement must review full architectural drawings of the tenant space in question. The tenant space you occupy has two different use groups E (educational) and I-4 (institutional). If children under 2.5 years of age

are to be cared for in the E area there must be a direct exit discharge from each room to the public-way. Alternatively the entire space could be converted to an I-4 use. Code Enforcement will not process the request for increased occupancy until they receive 5 sets of signed and sealed architectural drawings along with a full code analysis. Existing and proposed conditions for the space must be provided, including square feet per room, occupancy load and ages of occupants as well as means of egress. Include any necessary trade plans if electrical, mechanical, plumbing or fire-protection systems are also altered. An architect certified in the state of Virginia can provide you with all of these.

#### 1447 Duke Street

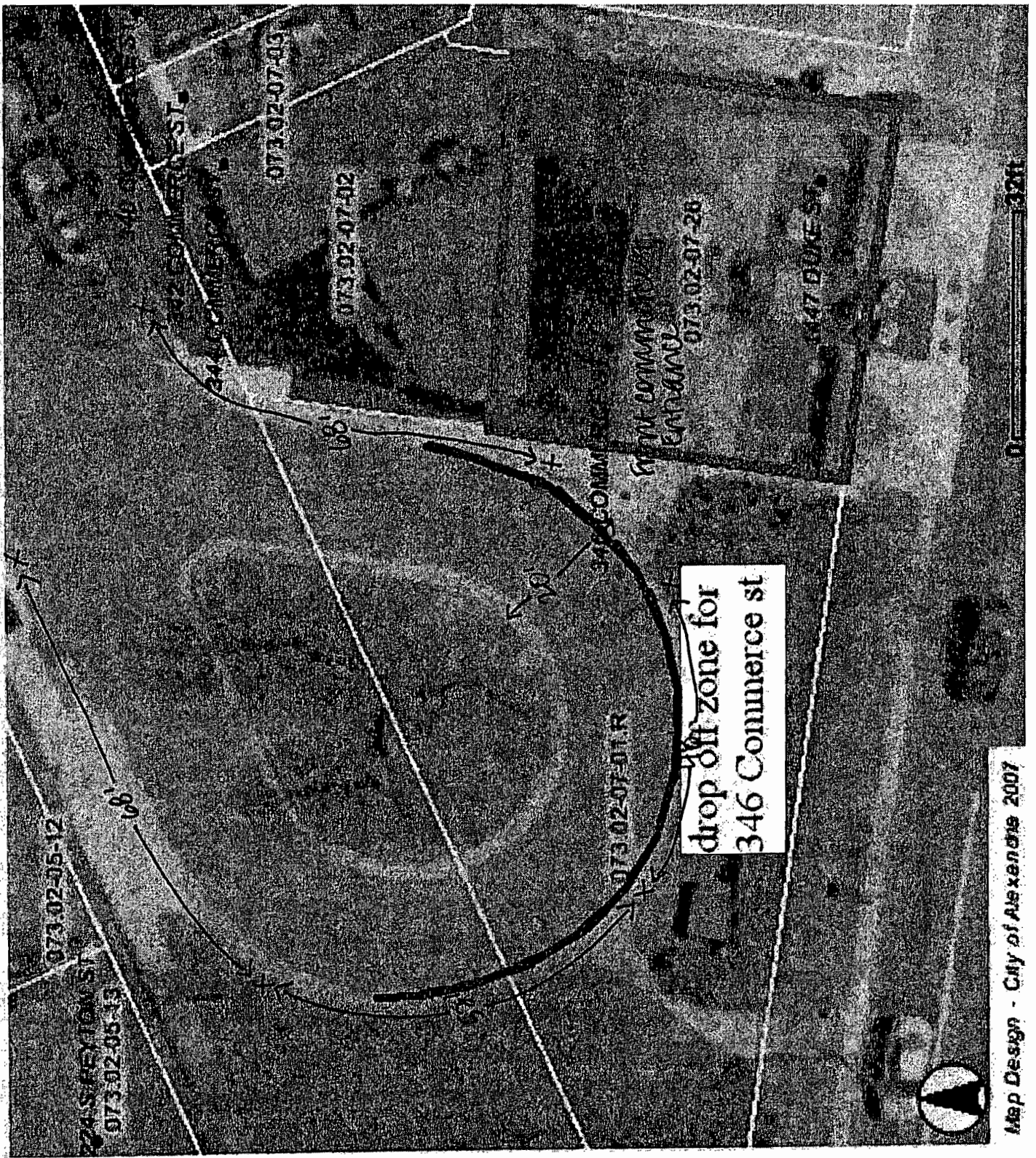
The building at 1447 Duke Street has an E use group. In E use children under 2.5 years of age may be cared for only in rooms that have direct egress. If you wish to care for small children in rooms that do not have direct egress you will need to apply for a change of use to an I-4 use. This will entail the process given for 1500 King Street. If you are going to comply with the requirements for the E use group we need floor plans with the dimensions of classrooms and the proposed occupancy and ages of each classroom.

The above information must be submitted as soon as possible. If we do not receive this information by Friday, August 10, your request will be deferred from the September Planning Commission meeting. If you have any questions, please contact me.

Richard W. Bray  
Urban Planner-Land Use Services  
City of Alexandria  
Planning & Zoning  
(703)838-4666 ext.309  
richard.bray@alexandriava.gov

Andrea L. Buchanan  
Assistant Fire Marshal  
Director's Aide  
Direct# (703) 838-4644 - ext-221  
Pager# (703) 702-6016  
andrea.buchanan@alexandriava.gov







074.01-02-02

2-6 Play

Equipment

6' Fence

074.01-02-09

Trash receptacles

074.01-02-08

074.01-02-07

Benches and picnic tables

Small equipment  
dark green

207 SUMMIT WEST

209 SUMMIT WEST

CONCRETE

Equipment

## Playground development stages.

1. Remove debris and level lot.
2. Install 6' foot gated fence. Gate will be locked unless in use by the school.
3. Install age appropriate equipment



2-6 years of age



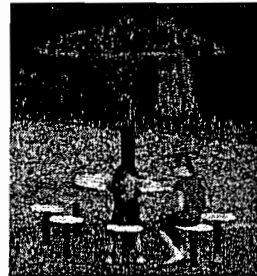
Toddlers

4. Install landscape plastic timber [REDACTED] around playground equipment following Commonwealth of Virginia "fall zone" requirements.

5. Install appropriate engineered wood fiber following Commonwealth of Virginia requirements.

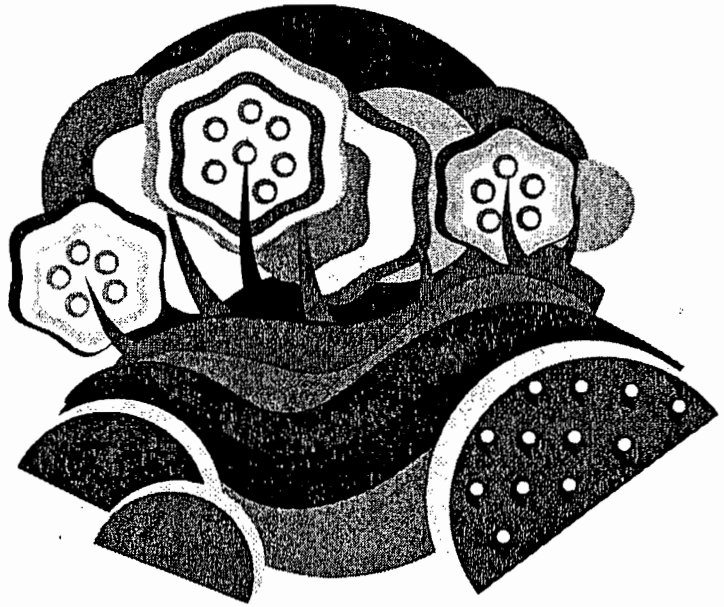
6. Install grass in the remainder of the lot.

7. Install picnic tables and benches.



8. Follow maintenance plan.

# Playground Maintenance Plan



When	Tasks	Who	Resources
All year round	<ul style="list-style-type: none"> <li>• Ensure Playground is litter free ( all year round)</li> <li>• Bins are emptied regularly ( all year round)</li> <li>• Removal of surface water (puddles) as necessary to prevent erosion.</li> <li>• Daily monitoring and removal of broken glass, wastage, decomposed items.</li> <li>• Check equipment for any sharp/loose objects</li> </ul>	All staff	Bins Bin bags Litter picks Gloves
Fall	<ul style="list-style-type: none"> <li>• Leaves are cleared from playground site on a regular basis.</li> </ul>	Groundskeeper	Bins Bin bags Litter picks Gloves
Winter	<ul style="list-style-type: none"> <li>• Icy patches are covered with salt and an assessment is made to ensure playground is safe to use.</li> </ul>	Groundskeeper	Salt
Spring Summer	<ul style="list-style-type: none"> <li>• Monitor and treat weed growth</li> </ul>	Groundskeeper	

Docket items #3 + 11

3 + 11  
10-13-07

October 10, 2007

**TO:**

**Alexandria Department of Human Services**

Suzanne Chis, Director  
2525 Mount Vernon Ave.  
Alexandria, VA 22301  
(703) 838-0700

**Virginia Department of Social Services**

Mary J. Beahm, Inspector  
Cheryl Morris, Senior Inspector  
Fairfax Area Licensing Office  
11320 Random Hills Road  
Suite 200  
Fairfax, VA 22030

**City of Arlington**

Susanne Eisner, Director  
Valerie C. Cuffee, Child and Family Services/Director of Social Services,  
Department of Human Services  
3033 Wilson Blvd.  
Suite 700-A  
Arlington, Virginia 22201

***RE: SUSAN AND JERRY PNEVMATIKATOS LICENSE FOR CHILD CARE SERVICES  
AND REQUEST FOR SPECIAL PRIVILEGES FOR RUNNING CHILD CARE  
FACILITIES***

I am writing in reference to continued operation of three daycare facilities by Susan and Jerry Pnevmatikatos and the potential opening of a fourth facility. These facilities are operated in the City of Alexandria (Tiny Tots Playroom), the county of Fairfax (Brentwood Academy) and the City of Arlington (Blue Bird Day School). A quick check on the VA Department of Social Services web site will show the number of violations the three current facilities have incurred this year alone. As a parent of two former attendees of Tiny Tots and Brentwood, I wanted to write a reference for the files of Susan and Jerry Pnevmatikatos and ask that each of you read this and consider it when these people ask for continued licensing for their facilities and for any consideration for new or expanded facilities, which they are in the process of doing now.

My knowledge of the events both from the inspector reports as well as from personal experience shows that Susan and Jerry Pnevmatikatos deliberately ignored state, city and county regulations in operating these facilities. They did so for their own personal gain and without regard to the best interests of the children they cared for, their staff or the families of the children. The reports

*RE: SUSAN AND JERRY PNEVMATIKATOS LICENSE FOR CHILD CARE SERVICES AND REQUEST FOR SPECIAL PRIVILEGES FOR RUNNING CHILD CARE FACILITIES*

only piece together some of what occurred and continues to occur at the three schools. I think that everyone involved with decisions that allow these two people to continue operating child care facilities should be fully aware of the situation.

On March 30<sup>th</sup> of this year (see DSS report), Tiny Tots was found to be significantly overcapacity by DSS and Alexandria code enforcement officials. The owners were operating under a special use permit from 1997 which allowed them to be over the original occupancy rates set by the fire department of 65 (children plus staff), but they were far above that capacity limit. They had interpreted that special use permit to only apply to the children, not their staff. Even without considering the staff count, they were still far above the expanded capacity with 95 children enrolled and about 20 caregivers. The owners were told to straighten it out quickly and that random inspections would begin to ensure compliance.

What this initial report does not catch and what no report catches in full, is that the owners operate a shuttle bus service between Tiny Tots and Brentwood and Blue Bird. Children who attended Brentwood and Blue Bird are dropped off at Tiny Tots by their parents and returned there in the afternoon. The owners told inspectors during an inspection on May 22<sup>nd</sup> of this year that the bus riding children stayed in a foyer area and were only there 15-20 minutes or so after the bus dropped them off. This is a complete falsehood.

These 30 odd children who rode the bus to Brentwood and Bluebird were allowed to come to Tiny Tots as soon as they opened at 7 am. Brentwood kids left at 8 am and Blue Bird kids at about 845 am. They were dropped back at Tiny Tots around 330 pm and 415 pm respectively and were allowed to stay in the main room (the 2-3 yr old room) until closing. Once you account for these additional children, you can see that the capacity issues at Tiny Tots were far worse than even the inspectors had suspected since these bus riders were not there when the inspectors arrived during the middle of the day. What is troubling is that the owners would tell such a complete lie to avoid penalties.

Back in March, when the first notice of the overcrowding appeared in inspection reports, the owners began shuffling children between the schools. My 3 yr old son and about 10 others were moved suddenly to Brentwood and Blue Bird even though we had been told he could not start there until September. Several children in the infant and toddler rooms were asked to leave at that time. This was an effort to stay a step ahead of the inspectors, and it was noted in a May 10<sup>th</sup> report by DSS under the Blue Bird Day School file, but reported under the Tiny tots or Brentwood files where the problem originate and also occurred..

In late May, Blue Bird was shut down for being overcrowded as well as violating building and safety codes. Concerned parents swarmed Tiny Tots that evening to find out what was going on. Parents who stopped to listen to the drama were told that Tiny Tots would be closed the following day to address the overcrowding but no notice was posted on the door. Many parents left without any knowledge of the closure at all and Brentwood parents were completely unaware of the situation.



*RE: SUSAN AND JERRY PNEVMATIKATOS LICENSE FOR CHILD CARE SERVICES AND REQUEST FOR SPECIAL PRIVILEGES FOR RUNNING CHILD CARE FACILITIES*

Parents of bus riders to Brentwood were asked by the owners not to bring their children to Brentwood the following day because they suspected the inspectors would go there next. They were right. In an effort to pretend that there was not an overcrowding issue at Brentwood, the owners had the teachers remove our children's belongings and all evidence that they went to Brentwood. My son's belongings, this sign for his cubby, his sleeping mat, etc., along with those of his bus riding friends, were shoved into a closet in trash bags. I shudder to think what the owners would have done if the children had been there when the inspectors arrived. Once I learned of this blatant disregard for the rules, I and many parents decided our children would not be returning the next day even if we made the cut which was done to address the overcrowding issue.

In regards to the decrease in enrollment which had to occur, the owners did not tell parents that their children were being-kicked out. Through the grapevine, parents heard that if they DID NOT receive a call from the owners the evening Tiny Tots was shut down, we should assume our children were not being asked back. The owners did nothing to work with parents or the various departments to make this transition easier for children, families or staff. Staff members were immediately fired as well with no notice and, likely, no severance.

The owners had also been violating regulations which required them to have staff who spoke English well enough to communicate with emergency workers and parents. This was not the case. In my three and a half years at Tiny Tots, there were only a small handful of caregivers who spoke English at that level. When I raised this with Jerry, he never informed me that this was against regulation, he just acknowledged it as a problem. Several times there were no English speakers assigned to a particular room at all. The main supervisor served as a translator for all rooms.

The children from Brentwood in the K-3 program were kicked out with several weeks left in their school year and no discussion of how this might affect their children's ability to graduate to the next grade level. Blue Bird was shut down for several weeks with no communication on when it might reopen.

The children had no opportunity to transition out of their facility and many children and caregivers were absolutely distraught and traumatized by the situation. The owners finally "apologized" in the form of a 2-3 sentence statement on their website, but when speaking to parents they took no responsibility, instead blaming the inspectors for having a "personal vendetta" against them.

Since that time, the owners have applied for a license to open a new facility in the City of Alexandria and have petitioned the City Council for an amended special use permit for the existing Tiny Tots facility. I strongly urge the licensing board and the City Council to deny these requests. These people have shown a blatant disregard for the authority of the Cities of Alexandria and Arlington, the County of Fairfax and the State of Virginia. They have also shown a disregard for the emotional well-being of the children entrusted to their care as well as their own staff. Their handling of this entire situation, which they themselves brought on, exposes them as untrustworthy and neglectful. Please do not reward them with the right to expand their businesses further.

*RE: SUSAN AND JERRY PNEVMATIKATOS LICENSE FOR CHILD CARE SERVICES AND REQUEST FOR SPECIAL PRIVILEGES FOR RUNNING CHILD CARE FACILITIES*

If anyone copied on this letter would like to ask me or other parents additional questions, please do not hesitate to do so. I am painfully aware of the need for good childcare in this area, especially for infants, but unfortunately, these owners are not worthy to provide that service any longer. While we got excellent care from the caregivers at Tiny Tots, the reprehensible actions of the owners cannot be ignored.

Respectfully,



Robin Bectel

*Mother to Steven and Katie*

5709 Grigsby Ave  
Alexandria, VA 22311  
703-244-2242





# APPLICATION

## SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0064

**PROPERTY LOCATION:** 1447 Duke St  
**TAX MAP REFERENCE:** 073.02-07-26 **ZONE:** CD  
**APPLICANT**  
 Name: J.S. and Family  
 Address: 1447 Duke St  
**PROPERTY OWNER**  
 Name: Shiloh Baptist Church  
 Address: 1429 Duke St. Alexandria, VA 22314  
**PROPOSED USE:** Child Care / ~~Private School~~  
PRIVATE SCHOOL

[ ] **THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 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 IV, Section 4-1404(D)(7) 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 Director of Planning and Zoning 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.

PNYMATIKADJERRY  
 Print Name of Applicant or Agent  
3704 Colonial Ave  
 Mailing/Street Address  
Alexandria, VA 22309  
 City and State Zip Code

[Signature]  
 Signature  
703-683-5170 703-683-2006  
 Telephone # Fax #  
Jerry@brantwoodacademy.org  
 Email address  
6/28/07  
 Date

### DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: 6/28/07 Date & Fee Paid: \$ 500.00 6/28/07  
 ACTION - PLANNING COMMISSION: recommended approval 6-0-1 10-2-07  
 ACTION - CITY COUNCIL: 10/13/07 - CC approved the PC recommendation 7-0  
w/ amendments (see attachment)

7. City Council approved the Planning Commission recommendation .

8. City Council approved the Planning Commission recommendation .  
Council Action: \_\_\_\_\_

**REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

9. Public Hearing to Obtain Citizens Input on the City's Proposed Fiscal Year 2009 Budget and Capital Improvement Program (CIP).

City Council held the public hearing on the City's Proposed Fiscal Year 2009 Budget and Capital Improvement Program (CIP).  
Council Action: \_\_\_\_\_

10. Public Hearing to Obtain Citizen Comment on the Report of the Committee on the Election Process for the Alexandria City Council and the Alexandria School Board. (#25, 6/26/07)

City Council held the public hearing on the Report of the Committee on the Election Process for the Alexandria City Council and the Alexandria School Board and recommended that the Mayor appoint two Council members to study the input, examine ways to improve election participation in elections and bring a recommendation to Council in the future .  
Council Action: \_\_\_\_\_

**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**

**Planning Commission (continued)**

11. SPECIAL USE PERMIT #2007-0064  
1447 DUKE STREET & 346 COMMERCE STREET  
CHILD CARE FACILITY  
Public Hearing and Consideration of a request to operate a child care facility; zoned CD/Commercial Downtown. Applicant: J&S, LLC by Jerry Pnevmatikatos

PLANNING COMMISSION ACTION : Recommend Approval 6-0-1

City Council approved the Planning Commission recommendation with an additional amendment requiring the applicant to display the number of children being served at the facility .  
Council Action: \_\_\_\_\_

12. SPECIAL USE PERMIT #2007-0094  
1800 EISENHOWER AVENUE  
CARLYLE SPECIAL USE PERMIT