

EXHIBIT NO.

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11-19-07

Docket Item #3  
SPECIAL USE PERMIT #2007-0098

Planning Commission Meeting  
November 8, 2007

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

**APPLICANT:** Mossammat Khatun

**STAFF:** Allison Anderson  
Allison.anderson@alexandriava.gov

**LOCATION:** 5220 Fillmore Avenue

**ZONE:** R-12/Residential

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**PLANNING COMMISSION ACTION, NOVEMBER 8, 2007:** 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 recommended permit conditions found in Section III of this report.



## I. DISCUSSION

### REQUEST

The applicant, Mossammat Khatun, requests special use permit approval for the operation of a child care home located at 5220 Fillmore Avenue.

### SITE DESCRIPTION

The subject property is one lot of record with 50 feet of frontage on Fillmore Avenue, 295 feet of depth and a total lot area of 12,227 square feet. The site is developed with a single family detached home. Access to the property is from Fillmore Avenue.

The surrounding area is occupied by a mix of residential and institutional uses. Immediately to the north and south are single family homes. To the east is a church and to the west is another single family home.



### PROPOSAL

The applicant is proposing to operate a child care home at 5220 Fillmore Avenue. Ms. Khatun is anticipating having two full time employees present. There is over 600 square feet of play area provided in the back yard. The applicant is making landscaping improvements and installing play equipment. The applicant is not currently caring for any children in her home, but has received a Child Care License, issued by the Virginia Department of Social Services.

Hours: Monday – Saturday, 6:00am – 8:00pm

Number of children: 9

Age of Children: Infant – 12 years

Noise: Children's noise levels will be controlled by the applicant.

Trash/Litter: City trash collection

### PARKING

Fillmore Drive has on-street parking available on both sides of the street for the entire block containing the applicant's home. The applicant also has a two car driveway that will be used for picking up and dropping off of children.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the R-12 zone. Sections 3-202 and 7-500 of the Zoning Ordinance allow a child care home in the R-12 zone only with a special use permit.

The proposed use is consistent with the Alexandria West 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 5220 Fillmore Avenue. 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), recommends approval of the application. The applicant has outfitted the home with child care and safety equipment and is making improvements to the back yard in anticipation of providing child care.

At of October 25, 2007, there was a stop work order posted on the home. The applicant is in the process of obtaining permits in order to add a bedroom, closet and bathroom. Staff is adding a condition requiring that construction be complete and the occupancy permit issued prior to commencing operation of the child care home.

Fillmore Avenue is a local street, with on-street parking. Staff anticipates that there will be parking available at staggered times when parents drop off and pick up children. Staff has included a condition requiring children to be escorted to and from the parent's vehicles if no parking is available. This will keep parents from double-parking their cars on Fillmore Avenue. The applicant is also planning to make the two car driveway available for parents to pick up and drop of their children.

An occupancy permit and State license are both required for the facility before opening.

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. The hours of operation of the child care home shall be limited to between Monday – Saturday, 6:00am – 8:00pm. (P&Z)

3. The applicant shall complete construction of the addition to the home and obtain all appropriate occupancy permits prior to commencement of the child care home. (P&Z)
4. The applicant shall obtain a license from the Virginia Department of Social Services. (P&Z)
5. The applicant or an assistant must be available to escort children to and from the parent's cars in the event that parking is not available in the driveway or on Fillmore Ave. Parents shall not be permitted to double-park their cars on Fillmore Ave while dropping off or picking up children. (T&ES)
6. The applicant may care for up to nine (9) children, pending compliance with other departments' recommendations and other limitations of local and state regulations. (Human Services)
7. 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 home. This is to be completed prior to the child care home opening for business. (Police)
8. 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 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;  
Allison Anderson, 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:

- R-1 The applicant or an assistant must be available to escort children to and from the parent's cars in the event that parking is not available in the driveway or on Fillmore Ave. Parents shall not be permitted to double-park their cars on Fillmore Ave while dropping off or picking up children.
- 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 licensed 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.
- C-4 A certificate of occupancy shall be obtained prior to occupying this facility.

##### Health Department:

- F-1 No Comment

##### Human Services:

- F-1 Site visit to review the request for a Special Use Permit (2007-0098) to provide child care services at 5220 Fillmore Avenue was completed on 9/19/07.

Mr. Munshi Akkas and Ms. Mossamat Khatun, husband and wife, wish to be allowed to care for more than five children at one time in their two bedroom house in the west end of the city. Ms. Khatun was issued a Child Care License by the Virginia Department of Social Services Division of Licensing Programs on July 9, 2007.

There is a two car driveway and Mr. Akkas says that he parks his car on the street. This should give parents safe access to drop off and pick up children. The street leads into the parking area of Northern Virginia Community College, and there is a fair amount of traffic into and out of the school, so parents will have to take care pulling in and out of the driveway.

The small house has already been outfitted with child care equipment, toys, cribs and their purchases show much thought on the part of the couple. The rooms designated for child care are small, but with both adults present, they should be able to manage nine children. The rooms designated are a living room, and both bedrooms, one of which has two cribs and the other has one and some mats and cots for napping plus space for play. Ms. Khatun and her husband have already bought safety gates, and socket covers, and cleaning products are kept out of reach of children. The couple has a fully equipped first aid kit and will use universal precautions when diapering. There is a changing table right near the bathroom for washing hands and toileting. .

There is safe outdoor space for play and a screened in patio that now has a child's slide. There are also some riding toys. Mr. Akkas says that they will be doing work in the backyard with a landscaper to increase the amount of safe play space in the fenced yard, including adding a playground set. Both providers should supervise outdoor play.

The home appears to comply with all health and safety regulations and provides sufficient space, both inside and out, to accommodate nine children.

- R-1 Approval of Ms. Khatun's special use permit application to allow her to care for up to nine (9) children, pending compliance with other departments' recommendations and other limitations of local and state regulations. The applicant has already complied with state licensing requirements.

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 home. This is to be completed prior to the child care home opening for business.



## APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0098

PROPERTY LOCATION: 5220 FILLMORE AVE. ALEXANDRIA, VA 22311

TAX MAP REFERENCE: 10.02-02-25 ZONE: R-12

**APPLICANT:**

Name: MOSSAMMAT RAZIA KHATUN

Address: 5220 FILLMORE AVE. ALEXANDRIA, VA 22311

PROPOSED USE: CHILD CARE HOME @ DAY CARE

[ ] **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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

[ ] **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.

MOSSAMMAT RAZIA KHATUN

Print Name of Applicant or Agent

MST R Khatun

Signature

8/29/07

Date

5220 FILLMORE AVE.

Mailing/Street Address

703 379 1738

Telephone #

Fax #

ALEXANDRIA, VA 22311

City and State

Zip Code

Email address

ACTION-PLANNING COMMISSION: \_\_\_\_\_ DATE: \_\_\_\_\_

ACTION-CITY COUNCIL: \_\_\_\_\_ DATE: \_\_\_\_\_



SUP # 2007-0098

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 5220 FILLMORE AVE. ALEXANDRIA, VA I hereby  
(Property Address)  
grant the applicant authorization to apply for the CHILD CARE HOME & DAY CARE use as  
(use)  
described in this application.

Name: UMME KULSUME Phone: 703 966 3757  
Please Print  
Address: 5230 FILLMORE AVE. ALEX, VA Email: \_\_\_\_\_  
Signature: *Umme Kulsume* Date: 08/29/07

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

☒ Required floor plan and plot/site plan attached.

☐ Requesting a waiver. See attached written request.

2. 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 or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

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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.

### **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 fully discuss the nature of the activity. (Attach additional sheets if necessary.)

OPERATE A CHILD CARE HOME & DAY CARE CENTER  
CARE FOR CHILDREN BETWEEN THE AGE OF 0-12  
PARENTS WILL DROP OFF AND PICK UP FROM THE  
SERVICE LOCATION.

**USE CHARACTERISTICS**

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

☒ a new use requiring a special use permit,  
☐ an expansion or change to an existing use without a special use permit,  
☐ an 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).

up to 9 CHILDREN AT ANY GIVEN TIME

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

2 Full Time Employee

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

Day: 6:00 AM

Hours: 6 AM - 8 PM.

MONDAY TO SATURDAY

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

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

By CHILDREN PLAYING ON PLAY GROUND

- B. How will the noise be controlled?

TEACH THEM TO BE ORGANIZED AND  
DISCIPLINED.

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

CLEAR TRASH FROM PREMISES.

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? (i.e. office paper, food wrappers)

FOOD WRAPPERS, DIAPERS, HOUSEHOLD TRASH.

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

1 TRASH CAN OF GARBAGE.

- C. How often will trash be collected?

ONCE A WEEK

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

COVERED TRASH CANS & IN OUT OF REACH AREA.

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:

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

FENCE ON SIDE LINE OF THE PROPERTY.

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### ALCOHOL SALES

13.

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

☐ Yes

☒ No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

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# PARKING AND ACCESS REQUIREMENTS

SUP # 2007-0098

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

Standard spaces 1  
 Compact spaces  
 Handicapped accessible spaces.  
 Other. 4

Planning and Zoning Staff Only  
 Required number of spaces for use per Zoning Ordinance Section 8-200A  
 Does the application meet the requirement? ☐ Yes ☒ No

B. 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?

FURNACE AVE. ALEXANDRIA, VA 22511

PLEASE NOTE: 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.

C. 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.

[ ] Parking reduction requested; see attached supplemental form

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

A. How many loading spaces are available for the use? 14

Planning and Zoning Staff Only  
 Required number of loading spaces for use per Zoning Ordinance Section 8-200  
 Does the application meet the requirement? ☐ Yes ☒ No

B. Where are off-street loading facilities located? NA

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

NA

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

NA

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

NO

## SITE CHARACTERISTICS

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

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

How large will the addition be? \_\_\_\_\_ square feet.

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

800 sq. ft. (existing) + 0 sq. ft. (addition if any) = 800 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: \_\_\_\_\_

End of Application

SUP # 2007-0098

## APPLICATION - SUPPLEMENTAL



This Supplemental information is 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. 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.

### CHILD CARE HOMES

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

1. Is the proposed facility the principal residence of the operator? ☒ Yes ☐ No

2. Is the operator registered with the City of Alexandria Office of Early Childhood Development to provide child care in the home? ☒ Yes ☐ No

3. How many children, including resident children, will be cared for? NINE (9)

4. How many children reside in the home? NONE

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

Resident: NINE

Non-resident: 0-12 years

6. A minimum of 75 square feet of outdoor play area on the lot must be provided for each child above age two.

Play area required: 5 x 75 square feet = 375 square feet

Play area provided: 600 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 park's play area:

NOTE: Child care homes are not permitted to display signs.



SUP # 2007-0098

**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?

Two (2)

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

2. Where will staff and visiting parents park?

DRIVE-WAY AND OFF-STREET  
PARKING

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

They will drop off and pick up children at their  
front door of service location.

Address - 5220 Fillmore Ave, ALEXANDRIA, VA-22311

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

Drop-off

6:00 AM

OR After

Pick-up

8:00 PM

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

Outdoor play equipments are — slide, riding  
Horse, cars, in a covered area  
there will be located in the backyard of the  
property.

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.

WIRE Fence

SUP #

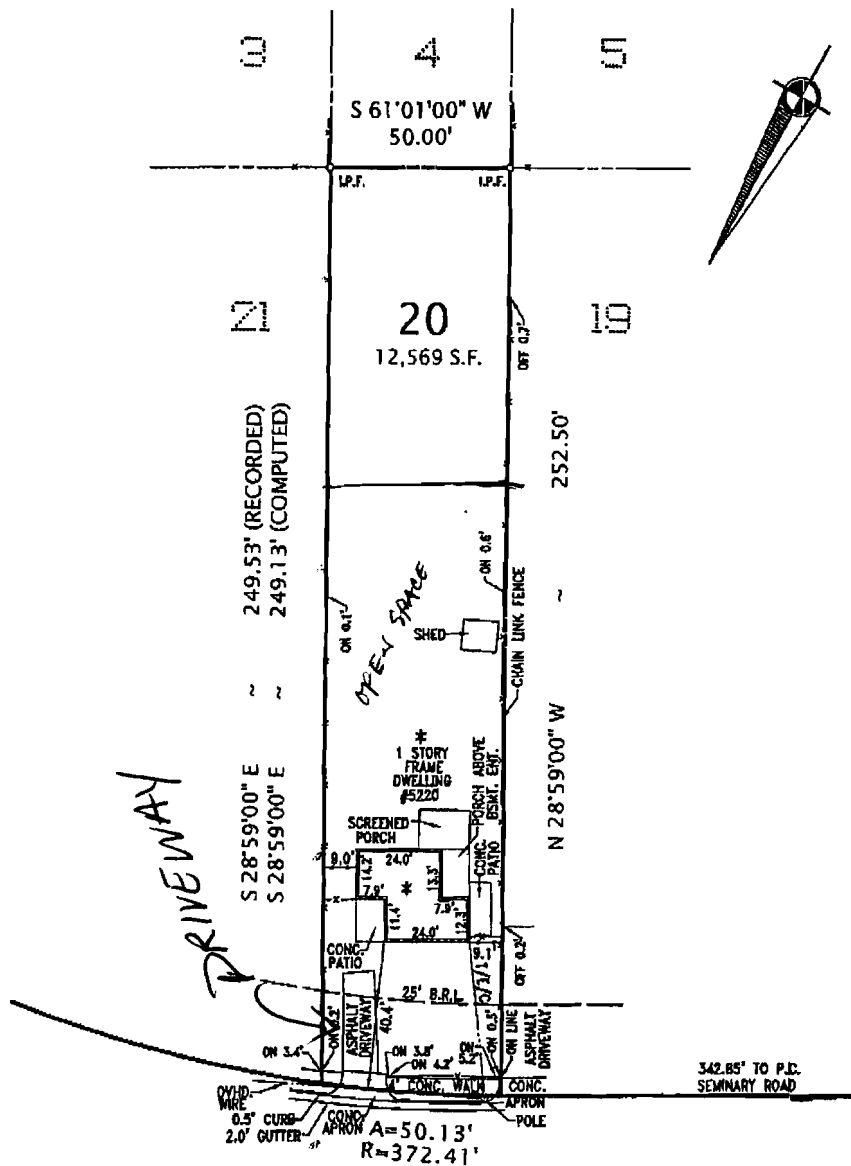
2007-0098

**CHILD CARE CENTERS ONLY**

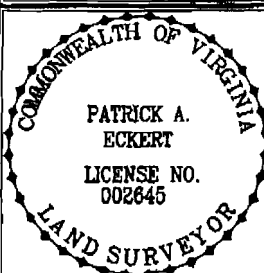
***Applicants for child care centers (day care center, day nursery and nursery schools) shall complete this section.***

1. How many children will be cared for during one day? NINE (9)
2. What age children do you anticipate caring for? 0-12 years
3. Does the operation have a license from the State of Virginia for a child care facility?  
☒ Yes ☐ No  
If yes, provide a copy of the license.

NOTE: FENCES ARE FRAME PICKET UNLESS NOTED.



**WASHINGTON FORREST**  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 40'      FEBRUARY 5, 2007



BY PROVISIONS OF THE VIRGINIA CODE: NO CORNER MARKERS SET, BOUNDARY SURVEY NOT PERFORMED.  
PLAT SUBJECT TO RESTRICTIONS OF RECORD, TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY, AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

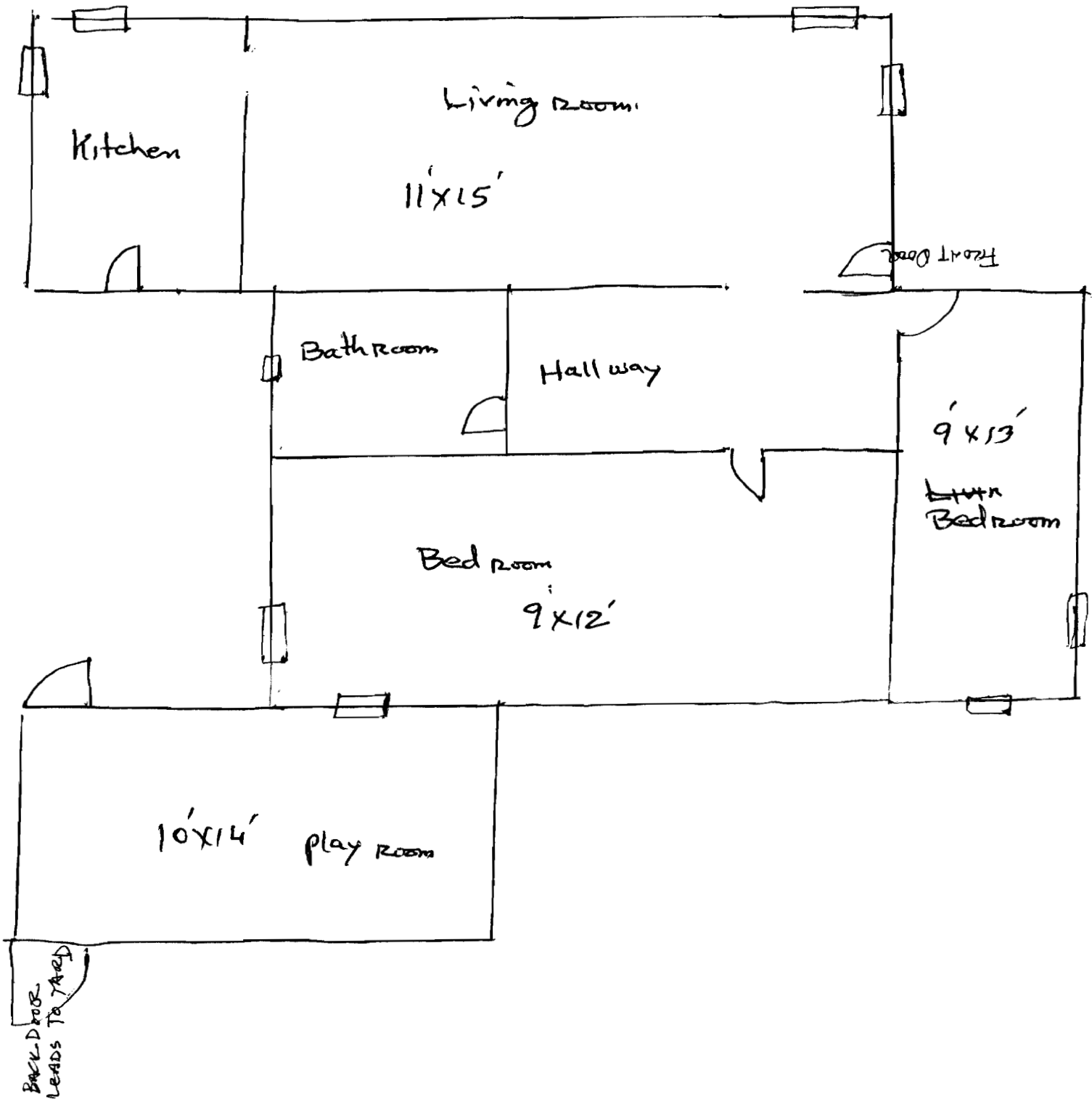
PATRICK A. ECKERT . . . . . L.S.

RECEIVED 520 84

## THE SETTLEMENT GROUP

**ALEXANDRIA SURVEYS  
INTERNATIONAL, LLC**

6343 SOUTH KINGS HIGHWAY ALEXANDRIA, VIRGINIA 22306  
TEL. NO. 703-660-6615 FAX NO. 703-768-7764







# APPLICATION

## SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** 2007-0098

**PROPERTY LOCATION:** 5220 FILLMORE AVE. ALEXANDRIA, VA 22311

**TAX MAP REFERENCE:** 10.02-02-25 **ZONE:** R-12

**APPLICANT:**

**Name:** MOSSAMMAT RAZIA KHATUN

**Address:** 5220 FILLMORE AVE. ALEXANDRIA, VA 22311

**PROPOSED USE:** CHILD CARE HOME @ DAY CARE

[ ] **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.

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MOSSAMMAT RAZIA KHATUN  
Print Name of Applicant or Agent

Mst R Khatun 8/29/07  
Signature Date

5220 FILLMORE AVE.  
Mailing/Street Address

703 379 1738  
Telephone # Fax #

ALEXANDRIA, VA 22311  
City and State Zip Code

\_\_\_\_\_  
Email address

**ACTION-PLANNING COMMISSION** by unanimous consent **DATE:** 11/8/07  
recommended approval  
**ACTION-CITY COUNCIL** 11/19/07 **DATE:** 11/19/07  
approved PC  
recommendation 6-0/