

DOCKET ITEM #2
Special Use Permit #2011-0067
2702 King Street – Child Care Home

Application	General Data	
Consideration of a request to operate a child care home.	Planning Commission Hearing:	December 6, 2011
	City Council Hearing:	December 17, 2011
Address: 2702 King Street	Zone:	R-8/Single Family
Applicant: Jason Middough	Small Area Plan:	Taylor Run

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.
Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov

PLANNING COMMISSION ACTION, DECEMBER 6, 2011: On a motion by Mr. Jennings, seconded by Ms. Fossum, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and with an amendment to Condition #9 to require a six-month review and the addition of Condition #10 whereby the driveway may be limited to one-way traffic if determined to be necessary by the Director of Planning & Zoning. The motion passed on a vote of 6 to 0, with Mr. Robinson absent.

Reason: The Planning Commission generally agreed with the staff analysis, but was concerned that there be additional authority to address traffic and parking issues if it becomes necessary.

Speakers:
 Paul Stilp, 628 Putnam Place, spoke against the application, noting that the proposal would impact the already-congested intersection of King and Janney’s Lane.

John Woodrum, 404 Janney’s Lane, stated that traffic at the intersection is congested to the point that he often needs to take alternate routes to reach his home during rush hour.

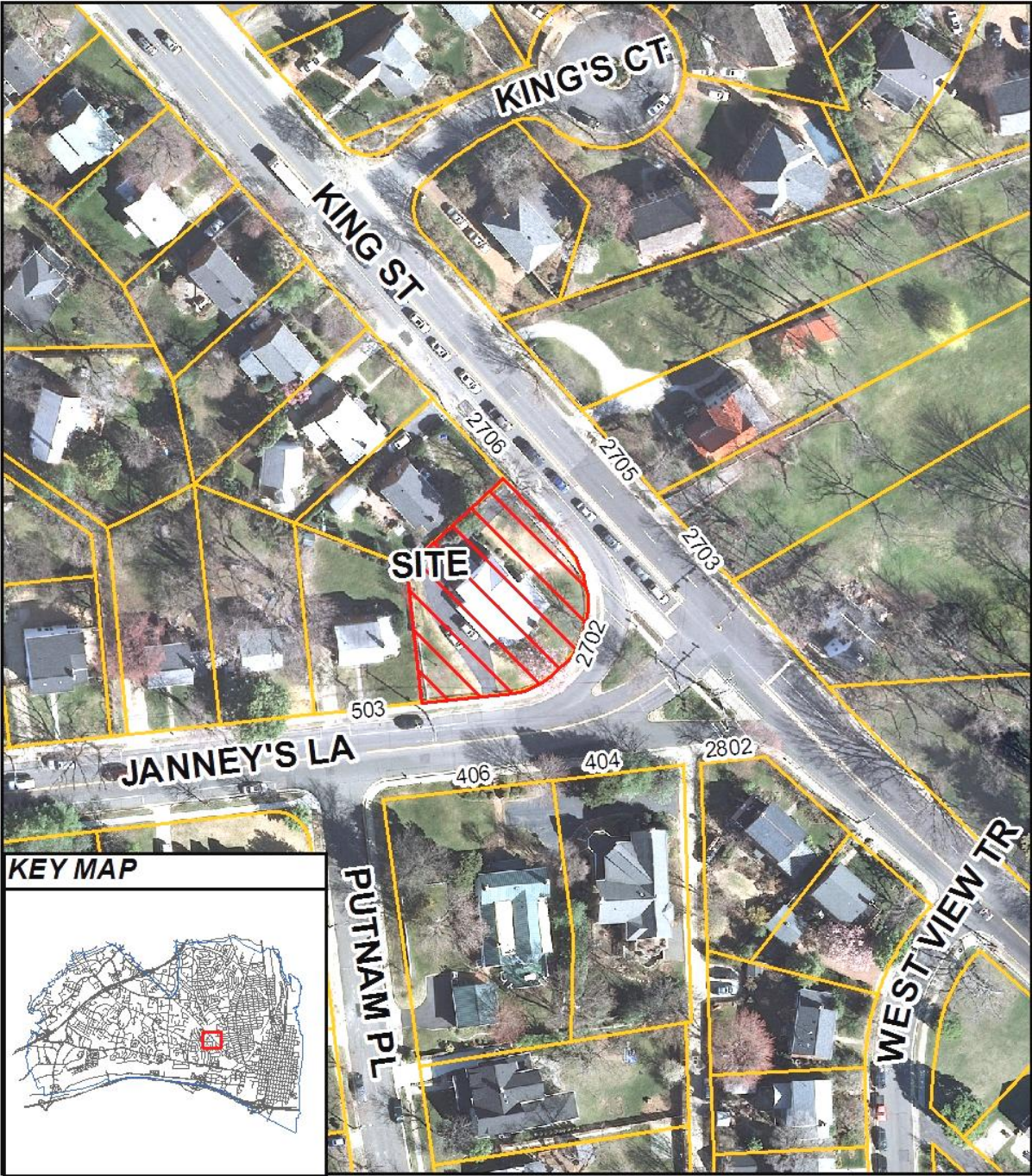
Laura Northey, 716 West View Terrace, stated that traffic at the intersection is bad and that drivers frequently disregard the yield sign when turning right onto King Street from Janney's Lane.

P.J. Lepp, 509 Robinson Court, noted that the traffic problem at the intersection of King Street and Janney's Lane is significant enough that she cannot safely cross the street with her children.

Kristina Hill, 717 Putnam Place, raised a concern about the safety of children attending the proposed child care home given its proximity to the busy intersection of King Street and Janney's Lane.

Lori Timan, 629 Putnam Place, expressed concern that the applicant would be unable to control the pick-up/drop-off activities at his proposed child care home.

Jason Middough, applicant, spoke in support of the request, noting that he would like to provide a positive, educational environment for Alexandria children at his proposed child care home.



SUP #2011-0067

12/6/2011



I. DISCUSSION

The applicant, Jason Middough, requests Special Use Permit approval to operate a child care home at 2702 King Street.

SITE DESCRIPTION

The property is one lot of record with 118 feet of frontage on King Street, 103 feet of frontage on Janney's Lane, and a total lot area of 13,055 square feet.

The property is surrounded by single-family dwellings.



PROPOSAL

The applicant proposes to provide child care in a multi-lingual environment in his future home for up to nine children at one time. At this time he anticipates caring only for children under the age of five.

Hours of Operation: 6:30am – 5:30pm Monday-Friday

Number of children: Nine

Number of Employees: Three or four employees in total, including residents

Play Area: Front and side yards, which are fenced, provide ample play areas for children

The applicant and property owner currently rents out his dwelling to tenants and lives elsewhere. He expects to move into the dwelling after May 31, 2012.

PARKING / PICK-UP and DROP-OFF

Ample parking for the pick-up and drop-off of children exists in the continuous driveway that crosses the site.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the R-8 / Single-Family Residential zone. Section 7-500(B) of the Zoning Ordinance allows a day care home in residential areas only with a Special Use Permit.

The proposed use within a residential dwelling is consistent with the Taylor Run chapter of the Master Plan which designates the property for residential uses.

II. STAFF ANALYSIS

Staff supports the applicant's request to operate a day care home. The proximity of the home to the busy intersection of King Street and Janney's Lane should not affect the smooth pick-up and drop-off of children, since ample parking exists in the on-site driveway that runs continuously through the lot from King Street to Janney's Lane. The entire property is enclosed with fencing which provides an additional degree of safety for children given the busy location.

The applicant, who owns the property, does not currently live in the home but plans to move in at the end of May 2012. The Zoning Ordinance requires that child care homes be operated by a resident of the home (Section 7-500(A)(3)). Staff is therefore recommending in Condition #4 that the Special Use Permit not become effective until such time as the applicant becomes a permanent resident in the dwelling. Including such a condition allows the applicant an early approval in order to move back into the home and to begin his new business.

In addition to the delayed start of the Special Use Permit, staff has also included several standard conditions in this report that, for example, will prohibit double-parking, reiterate the state day care licensure requirement and tie it to the SUP, limit the number of children in the home to nine, and limit the hours of operation. In Condition #2 staff has recommended a closing hour of 6:30pm, which is one hour later than originally proposed, in order to provide the applicant with additional flexibility in the future.

Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit request.

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 6:30am and 6:30pm, Monday through Friday. (P&Z)
3. The maximum number of children that may be cared for at the home in connection with this business, including any resident children, shall be nine. (P&Z)
4. This Special Use Permit shall not be effective unless and until: 1) the applicant occupies the dwelling as his permanent residence and 2) the day care home for up to nine children is licensed by the Virginia Department of Social Services. (P&Z)
5. Access to adjacent properties or driveway entrances shall not be blocked at any time. (P&Z)

6. Parents shall not be permitted to double park on Janney's Lane or park on King Street while dropping off or picking up children. (T&ES)
7. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
8. Prior to the child care home opening for business, the applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the premises. (Police)
9. **CONDITION AMENDED BY PLANNING COMMISSION:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for six months and again 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; 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) (PC)
10. **CONDITION ADDED BY PLANNING COMMISSION:** Traffic movement in the driveway associated with the child care home shall be limited if necessary as determined by the Director of Planning & Zoning. (PC)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Nathan Randall, 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:

- F-1 This property is not within an RPA. (T&ES)
- F-2 Property is fenced on all sides. (T&ES)
- R-1 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
- R-2 Parents shall not be permitted to double park on Janney's Lane or park on King Street while dropping off or picking up children. (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. (T&ES)

Code Enforcement:

- F-1 The applicant will need to supply this department with a scaled drawing of the basement including ceiling height, door and window sizes, and existing or proposed smoke detectors in order for the maximum lawful occupancy to be determined.
- F-2 In order to be considered a *family day care facility* proof of VA. Dept of Social Services oversight will have to be provided. (see VCC 2009 section 310.4 and DHCD Related Laws manual for additional information)

Office of Early Childhood Development

- F-1 OECD staff did not inspect the site because the applicant does not currently reside in the dwelling. Staff will complete a site visit once the applicant moves back into the home and prior to the start of the child care home business.

Health:

- F-1 The Health Department has no regulations governing child care homes and no objection to this request.

Parks and Recreation:

- F-1 No Comments Received

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security assessment for the child care center. This is to be completed prior to the child care center opening for business.
- F-1 The Police Department has no objections to the child care facility opening.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2011-0067

PROPERTY LOCATION: 2702 King St, Alexandria, VA, 22302

TAX MAP REFERENCE: 052-04-10-09 **ZONE:** R8

APPLICANT:

Name: Jason Middough

Address: 2702 King St, Alexandria, VA, 22302

PROPOSED USE: Home Daycare Learning Center

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.

Jason Middough
Print Name of Applicant or Agent

[Signature] 9/19/11
Signature Date

P.O. Box 16371
Mailing/Street Address

(703) 725 6743
Telephone # Fax #

Alexandria, VA 22302
City and State Zip Code

J.Middo@yahoo.com
Email address

ACTION-PLANNING COMMISSION: _____	DATE: _____
ACTION-CITY COUNCIL: _____	DATE: _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 2702 King St, Alexandria, VA. 22302 I hereby
(Property Address)

grant the applicant authorization to apply for the Daycare use as
(use)

described in this application.

Name: Jason Middagh
Please Print

Phone (703) 725 6743

Address: 2702 King St, Alex VA. 22302

Email: JMidda@yahoo.com

Signature: [Handwritten Signature]

Date: 9/14/11

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.

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. 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. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

	Name	Address	Percent of Ownership
1.	Jason Middough	2702 King St. Alex. VA 22302	50%
2.	Mayuri Middough	2702 King St. Alex. VA 22302	50%
3.			

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 2702 King St. Alex. VA 22302 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

	Name	Address	Percent of Ownership
1.	Jason Middough	2702 King St Alex. VA 22302	50%
2.	Mayuri Middough	2702 King St Alex. VA 22302	50%
3.			

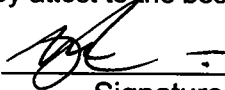
3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity below and "None" in the corresponding fields)**

	Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.	None		
2.			
3.			

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

09/29/2011 Mayuri Middough
Date Printed Name


Signature

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.)

The plan is to utilize the basement level of our home and outside fenced in yard to conduct a multilingual daycare center. The daycare center will have working hours from 6:30 am to 5:30 pm, Monday through Friday. By running the center from our residence we will be able to provide more resources to the participants' learning experience.

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: In home daycare

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).

We expect 9 pupils from 6:30 AM to 5:30 pm.

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

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

There will be between one or two outside staff present between 6:30 AM to 5:30 pm.

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

Day:

Monday through Friday

Hours:

6:30 AM to 5:30 pm

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

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

None

B. How will the noise be controlled?

N/A

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

None expected.

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)
It will be the same type of trash we currently have at the residence. Maybe an extra 10 pounds of trash per week.

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)
From the use of our home should only produce extra 3 bags per week, most likely just 1.5 bags.

C. How often will trash be collected?
We plan on utilizing the current Cit

D. How will you prevent littering on the property, streets and nearby properties?
The gates of our property will be closed and toys are not perishable and will not produce waste.

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

[] Yes. [X] 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. [X] No.

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

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

The whole property is fenced, and the gates will be closed. There will not be opportunity for interaction outside of the gates on the 13,000 sq ft. property.

ALCOHOL SALES

13.

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

[] Yes [X] 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.

PARKING AND ACCESS REQUIREMENTS

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

- 8 Standard spaces *Wrap around parking (private)*
- _____ Compact spaces
- _____ Handicapped accessible spaces.
- _____ Other.

<p>Planning and Zoning Staff Only</p> <p>Required number of spaces for use per Zoning Ordinance Section 8-200A _____</p> <p>Does the application meet the requirement?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

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?

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? 2

<p>Planning and Zoning Staff Only</p> <p>Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____</p> <p>Does the application meet the requirement?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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- B. Where are off-street loading facilities located? Right at the door of the facility.
- C. During what hours of the day do you expect loading/unloading operations to occur?
6:30 AM to 8:30 AM & 4:30 pm to 6:30 pm.
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
10X Per day - Drop off + pick up of children - ave # of 5

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?

There is no need for street improvements as the property has a wrap around driveway that leads to two streets

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) + 10000^(yard) sq. ft. (addition if any) = 10800 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



APPLICATION - SUPPLEMENTAL

CHILD CARE

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 *will register*
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 + 4 yrs old
 Non-resident: 2 - 5 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:
 Number of children above age two: 9 x 75 square feet = 675 square feet
 Play area provided: 10,000 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? N/A Yes No
 If yes, please describe the park's play area:

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) shall complete this section.

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

2-3

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

2. Where will staff and visiting parents park? There is a wrap around driveway connecting two streets.

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

They can drop off and pick up children along the private wrap around driveway.

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

Drop-off

6:30 AM to 8:30 AM

Pick-up

4:30 pm to 5:30 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?

There is already a wooden jungle gym on the property. There is also over 10,000 sq ft of fenced in space.

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.

The fence encloses the whole property, and has two gates which can be locked

CHILD CARE CENTERS ONLY

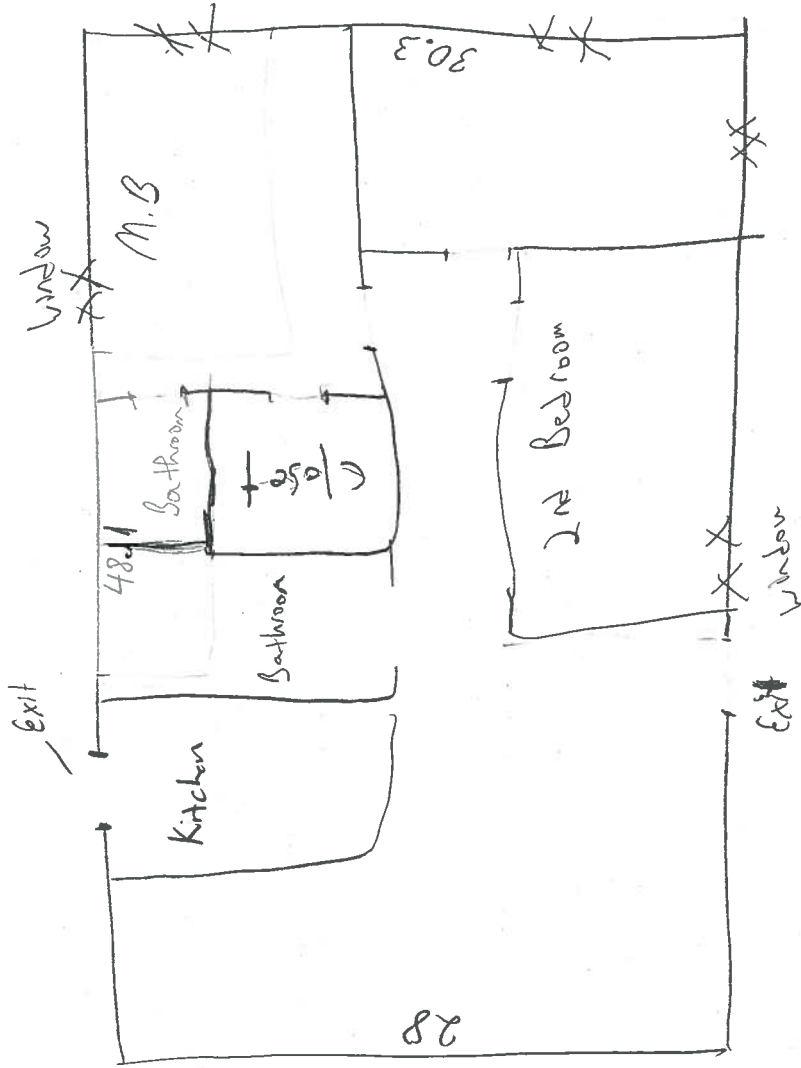
Applicants for child care centers (day care center, day nursery and nursery schools) shall complete this section.

1. How many children will be cared for during one day? 9

2. What age children do you anticipate caring for? 2 years to 5 years old

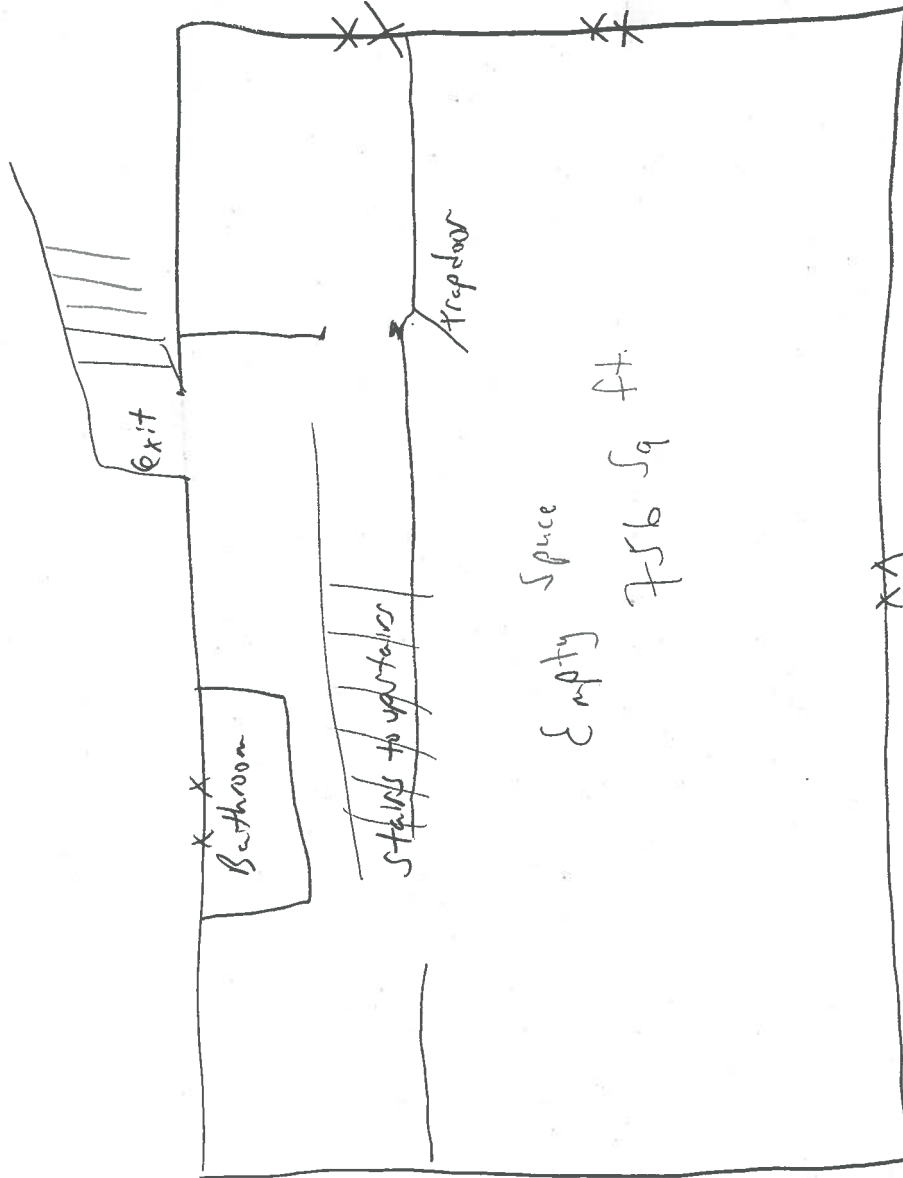
3. Does the operation have a license from the State of Virginia for a child care facility?
 Yes X No (We are taking the classes now for State license.)
If yes, provide a copy of the license.

1st Floor Plan (Grand level)



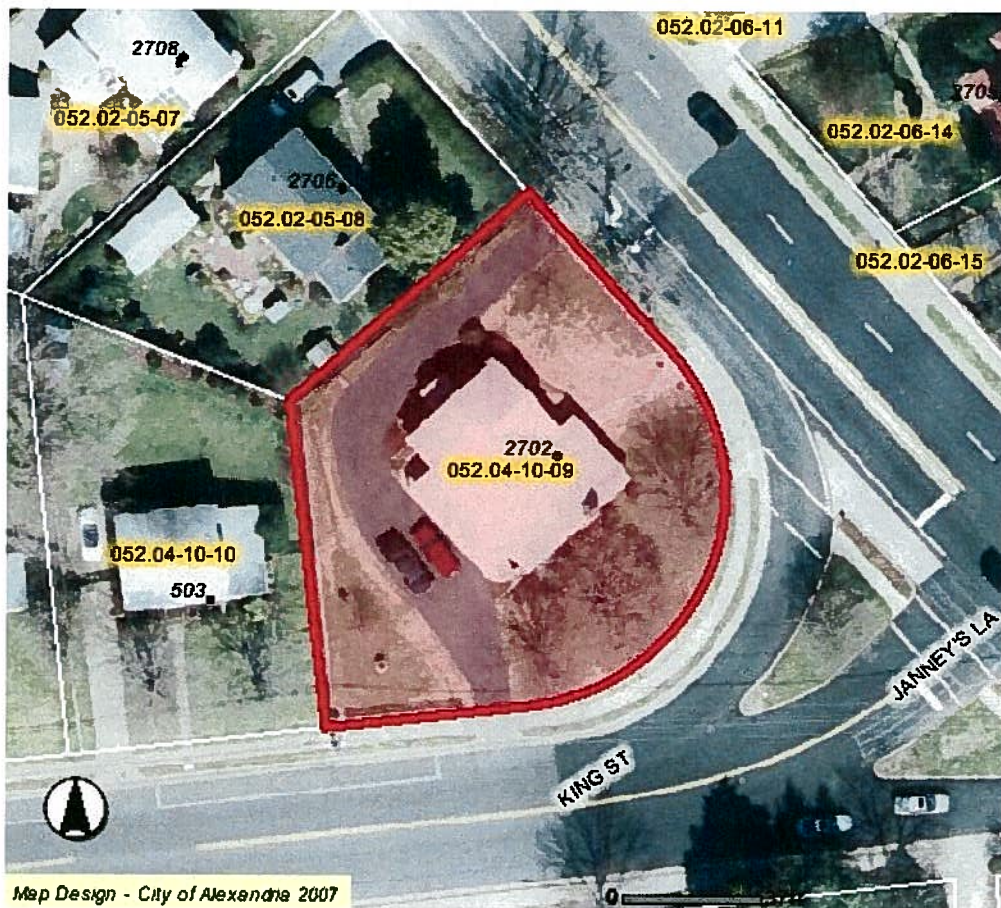
King Street

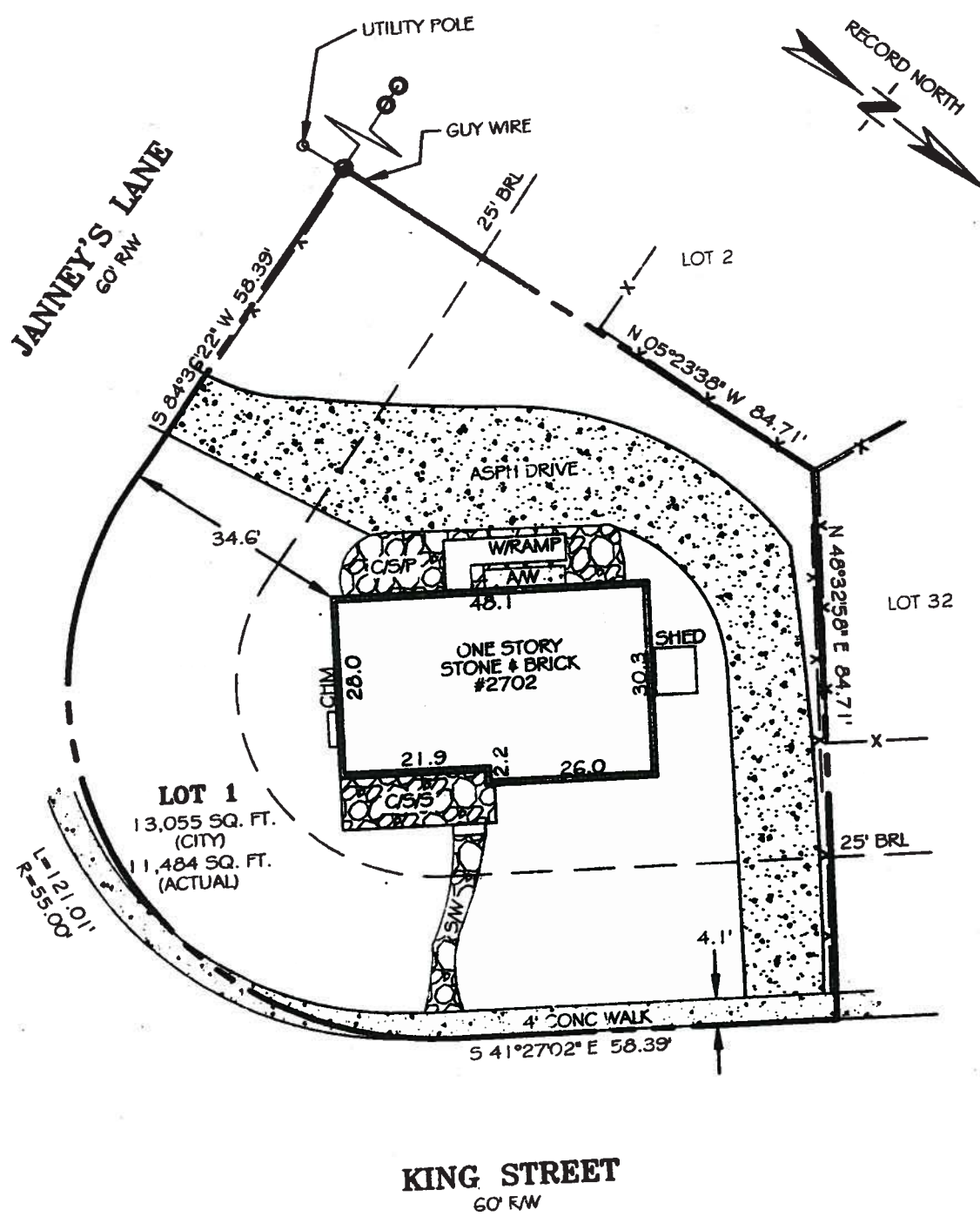
Basement



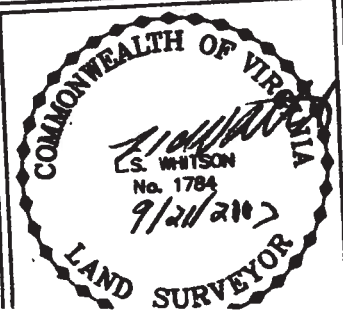
SUP 2011-0067

City of Alexandria





HOUSE LOCATION SURVEY
LOT 1 BLOCK 2
IVY HILL
DEED BOOK 253 PAGE 254
CITY OF ALEXANDRIA, VIRGINIA
DATE: SEPTEMBER 21, 2007
SCALE: 1" = 25'



- LEGEND**
- CW = CONC WALK
 - SW = STONE WALK
 - WL = WOOD LANDING
 - B/L = BRICK LANDING
 - W/D = WOOD DECK
 - C/S = CONC STOOP
 - M/S = METAL STOOP
 - C/C/S = COVERED CONC STOOP
 - C/P = CONC PATIO
 - R/E = RECESSED ENTRY
 - CHIM = CHIMNEY
 - O.H. = OVERHANG
 - B/W = BAY WINDOW
 - OHW = OVERHEAD WIRE
 - AW = AREA WAY
 - = MONUMENT FOUND
 - x- = FENCE