

DOCKET ITEM #2
Special Use Permit #2010-0059
104 South Iris Street- Day Care Home

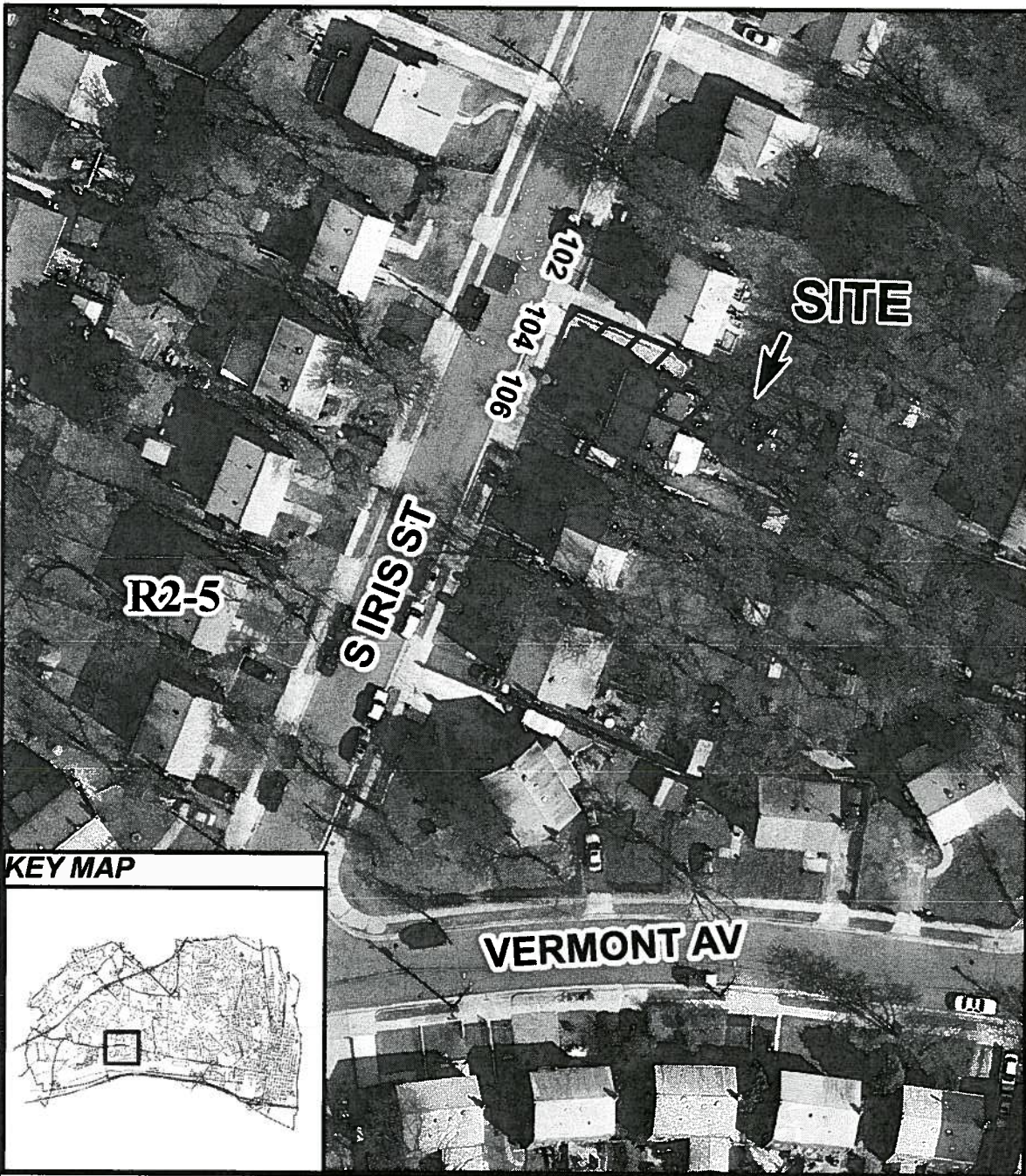
CONSENT AGENDA ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Application	General Data	
Request: Consideration of a request to operate a home child day care.	Planning Commission Hearing:	December 4, 2010
	City Council Hearing:	December 18, 2010
Address: 104 South Iris Street	Zone:	R-2-5/Single and Two-Family
Applicant: Miriam Ayala	Small Area Plan:	Seminary Hill

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



SUP #2010-0059

12/07/10



I. DISCUSSION

REQUEST

The applicant, Miriam Ayala, requests special use permit approval for the operation of a child care home at 104 South Iris Street.

SITE DESCRIPTION

The subject property is one lot of record with approximately 26 feet of frontage on South Iris Street, 120 feet of lot depth and a total lot area of 3,120 square feet. The site is developed with a two-story semi-detached residential dwelling.

The surrounding area is entirely residential, including both single-family and two-family semi-detached dwellings.



BACKGROUND

The applicant is currently caring for two nonresident children in her home and is approved through the Alexandria Office of Early Childhood Development to care for up to five. Providing day care services for up to five children in a home is a permitted use and does not require a Special Use Permit.

PROPOSAL

The applicant proposes to provide child care in her home for up to nine children at one time, which represents an increase of four over her current approval. At this time she anticipates caring only for children under the age of five.

Hours of Operation: 6:30am – 9:30pm Monday-Saturday

Number of children: Nine

Play Area: Rear yard provides play area for children

PARKING

The Zoning Ordinance does not require any additional parking for child care homes than would be required for a residential use. In addition to three driveway parking spaces, ample on-street public parking is available adjacent to the applicant's home on South Iris Street.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the R2-5 / Single and Two-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 is consistent with the Seminary Hill chapter of the Master Plan which designates the property for residential uses.

II. STAFF ANALYSIS

Staff supports the applicant's request to care for up to nine children in her home. The proposal is consistent with Zoning Ordinance requirements for a day care home, including the provision that adequate play area be provided. Parking impacts from the use are expected to be minimal given that ample street parking exists in the neighborhood in addition to the applicant's driveway spaces. Nonetheless, staff has recommended condition language to help mitigate any potential traffic and parking issues should they arise. Staff has also included standard condition language requiring that the applicant become licensed with the Virginia Department of Social Services, which is both a matter of state law and a Zoning Ordinance standard for day care homes.

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

III. RECOMMENDED 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 8:30pm, Monday through Saturday. (P&Z)
3. This Special Use Permit shall not be effective unless and until the child care home for up to nine children is licensed by the Virginia Department of Social Services. (P&Z)
4. Parents shall not be permitted to double-park their cars on South Iris Street while dropping off or picking up children. (T&ES)
5. The applicant or an assistant must be available to escort children to and from parents' cars in the event that parking is not available. (T&ES)
6. Access to adjacent properties or driveway entrances shall not be blocked at any time. (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. 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 home opening for business. (Police)
9. 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; or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: 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:

- 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. (T&ES)
- R-2 Parents shall not be permitted to double-park their cars Iris Street while dropping off or picking up children. (T&ES)
- R-3 Access to adjacent properties or driveway entrances shall not be blocked at any time. (T&ES)
- R-4 All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (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:

- 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 An annual fire prevention permit is required for the in-home child care operation.

Human Services:

The site visit was completed on 09/29/10. Ms Ayala is requesting a Special Use permit for her Family Child Care Business. Ms. Ayala has been a family child care provider since March 2008. She lives in a three level townhouse with her husband and her three children (23, 21, and 18 years old). The home has a basement which is used for storage. Ms Ayala has stated that the basement will not be used for childcare and will not be accessible to children.

This is a two bedroom home with one bathroom on the upper level which is available to the children. Her CPR and First Aid training is current. She has also completed a Medication Administration Training course. Currently, she is caring for two children. Her City permit capacity is for five children. Her husband is presently attending training with the City of Alexandria to become her assistant. The Department has never received a complaint from a parent regarding Ms Ayala.

Ms. Ayala is using the entire living room and dining room as her major child care area. However, she is planning to also use one of the bedrooms on the upper level for. She will use the kitchen for food preparation and keeps the kitchen cabinets locked. Each child has their own space for their personal belongings. The walls are decorated with educational posters such as ABC's, 123's, washing hands, etc. There is a child size table with chairs for children to sit for eating and for activities, and equipment for potty-training. She has divided the areas into centers for reading, blocks, and circle time. She has two cribs. Overall, the home is child friendly and appropriate for a business.

The home also has a nice spacious deck, and a big backyard, which is clean, and surrounded by a fence. There are two spaces for parking on the driveway. She operates her child care business from 6 A.M. to 8:30 P.M. Monday through Friday, for children 0 to 5 years old.

Recommendation: The Department of Human Services recommends approval of Ms. Ayala's special use permit to allow her to care for up to nine (9) non-resident children, pending compliance with other department's recommendations and subject to the licensing and registration requirements and other limitations of local and state regulations.

Health:

F-1 No Comment

Parks and Recreation:

F-1 No Comment

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

F-1 The Police Department has no objections to the child care facility opening.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2010-0059

PROPERTY LOCATION: 104 S. Iris St

TAX MAP REFERENCE: 59.02-05-38 ZONE: R-2-5

APPLICANT:

Name: Miriam Ayala

Address: 104 S. Iris St. Alexandria, VA 22304

PROPOSED USE: Family Day Care Home

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.

Miriam Ayala
Print Name of Applicant or Agent

[Signature]
Signature

09/17/10
Date

104 S. Iris St.
Mailing/Street Address

703-370-0252
Telephone #

Fax #

Alexandria VA 22304
City and State Zip Code

miriam-b-ayala@hotmail.com
Email address

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

PROPERTY OWNER'S AUTHORIZATION

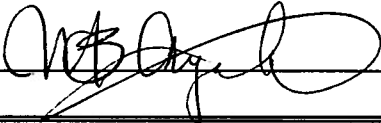
As the property owner of 104 S. Iris St. Alexandria VA 22304, I hereby
(Property Address)
grant the applicant authorization to apply for the Family Day Care Home use as
(use)
described in this application.

Name: Miriam Ayala
Please Print

Phone 703-370-0252

Address: 104 S. Iris St Alexandria VA 22304

Email: miriam-b-ayala01@hotmail.com

Signature: 

Date: 9/17/10

- 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.

n/a.

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. Miriam Ayala	104 S. Iris St. Alexandria VA 22304	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 104 S. Iris St. Alexandria VA 22304 (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. Miriam Ayala	104 S. Iris St. Alexandria VA 22304	50%
2. Grover Ayala	104 S. Iris St. Alexandria VA 22304	50%
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required 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.

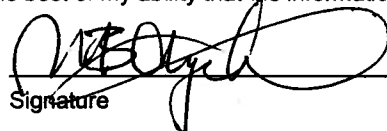
Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Miriam Ayala	none	Alexandria City Council Planning Commission.
2. Grover Ayala	none.	Alexandria City Council Planning Commission.
3.		

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.

09/17/10
Date

Miriam Ayala
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.)

I would like to request this permit for it's use as a child care facility. I plan to use the ~~space~~ space to help children develop the different areas of growth and development. I will assign each space to specific areas of development. In addition to helping children, I will also be able to help children's parents to provide resources for a better education. I will work with other licensed personell to make excellent use of the spaces. On my experience, I was able to realize that helping children with proper education and resources is a way to give outland improve our society.

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).

Nine clients.
Monday - Saturday

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

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

Two per shift.

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

Day:

Monday - Saturday

Hours:

6:30am - 8:30pm

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

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

The Radio, the voices of the kids
when they play

B. How will the noise be controlled?

Under supervision of licensed child care
providers. With explanation of rules.

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? (i.e. office paper, food wrappers)
Office papers, food wrappers, food leftovers, diapers.

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)
Two trash bags (5gal) per day.

C. How often will trash be collected?
Once a week.

D. How will you prevent littering on the property, streets and nearby properties?
Placing trash in the appropriate garbage containers

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:

n/a

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:

Clorox and other chemicals to clean or degrease.
Monthly use. Disposal follows guidelines for
procedures and storage

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

All safety guidelines and instructions provided by
the city of Alexandria are followed and instructed to
all residents, employees and patrons

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.

n/a.

PARKING AND ACCESS REQUIREMENTS

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

- 3 Standard spaces
- Compact spaces
- Handicapped accessible spaces.
- Other.

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?

Three inside, one outside

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? 3

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

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B. Where are off-street loading facilities located? n/a. (Only children unloading and loading will take place)

C. During what hours of the day do you expect loading/unloading operations to occur? 6:30am to 7:00am (Drop off) 8:00pm-8:30pm (Pick up)

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

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

Yes, street access to the property is adequate.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? [X] Yes [] No
Do you propose to construct an addition to the building? [] Yes [X] No
How large will the addition be? n/a square feet.

18. What will the total area occupied by the proposed use be?
1,264.8 sq. ft. (existing) + 0 sq. ft. (addition if any) = 1,264.8 sq. ft. (total)

19. The proposed use is located in: (check one)
[] a stand alone building
[X] 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

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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.

- Is the proposed facility the principal residence of the operator? Yes No
- Is the operator registered with the City of Alexandria Office of Early Childhood Development to provide child care in the home? Yes No
- How many children, including resident children, will be cared for? Nine non-resident, None resident.
- How many children reside in the home? None.
- How old are the children? (List the ages of all children to be cared for)
 Resident: n/a.
 Non-resident: 2, 2, 3, 4, 3.
- 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: 3 x 75 square feet = 225 square feet
 Play area provided: 1,718 ~~667~~ square feet
- 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:
A park is located walking distance from the residence. The park has appropriate playgrounds and play equipment for children that follow all safety regulations.

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?

Two per shift

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

2. Where will staff and visiting parents park? On site and on street parking available.

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

Parents will come at the agreed time (am), park on provided parking spaces, drop off children and leave. Parents will then come back (pm) park, pick up children and depart.

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

Drop-off
6:30 - 7:00 am

Pick-up
8:00 - 8:30 pm

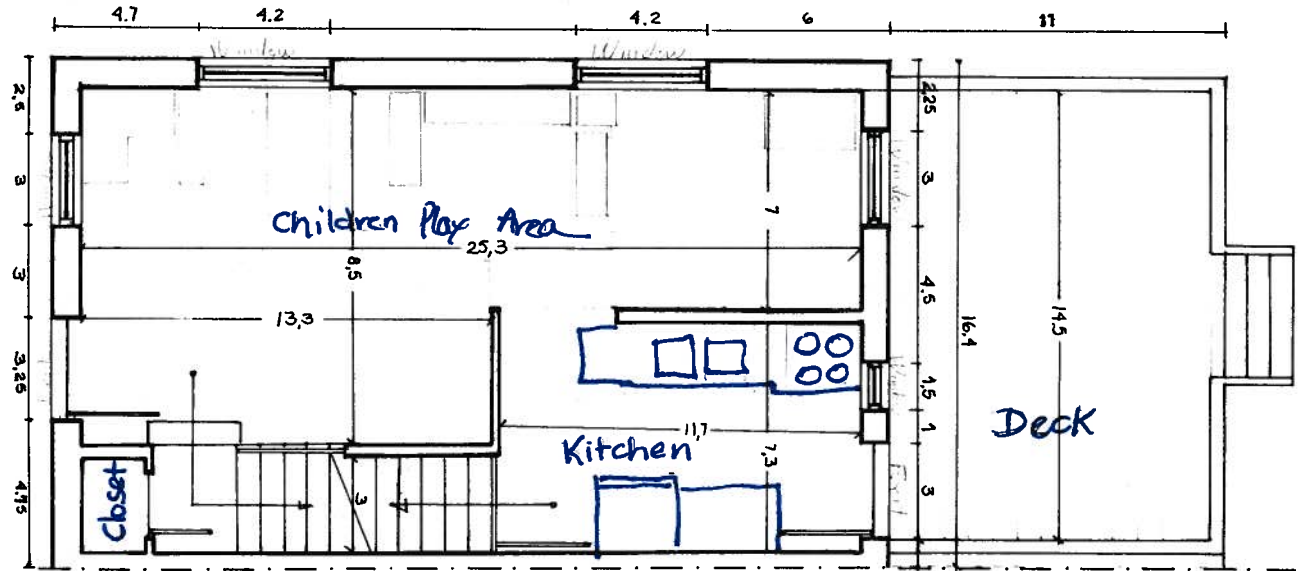
5. What type of outdoor play equipment is proposed for the child care facility, if any? Where will it be located on the property?

One to two city approved play equipment. They will be located on the backyard area.

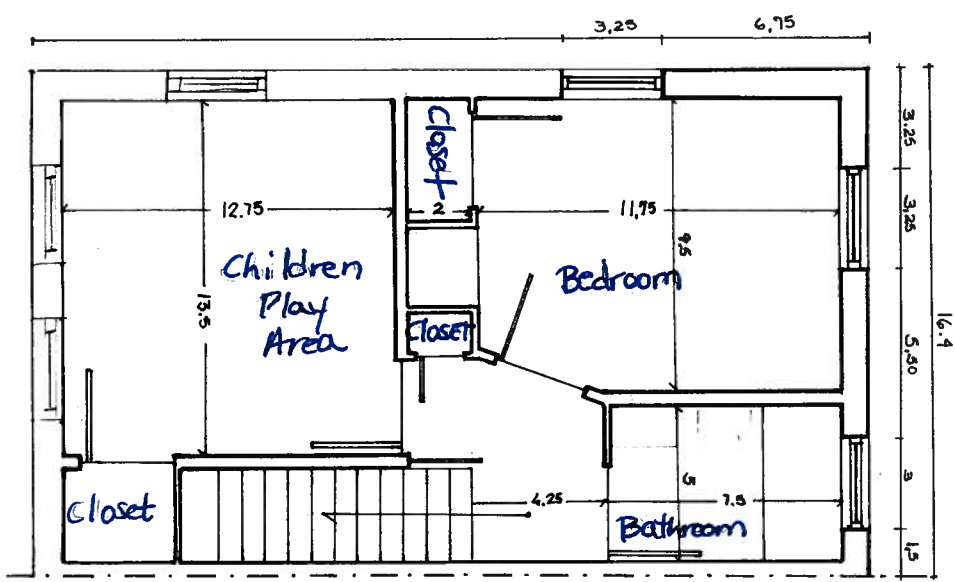
6. Are play areas on the property fenced? Yes No
If no, do you plan to fence any portion of the property? Yes No

Please describe the existing or proposed fence.

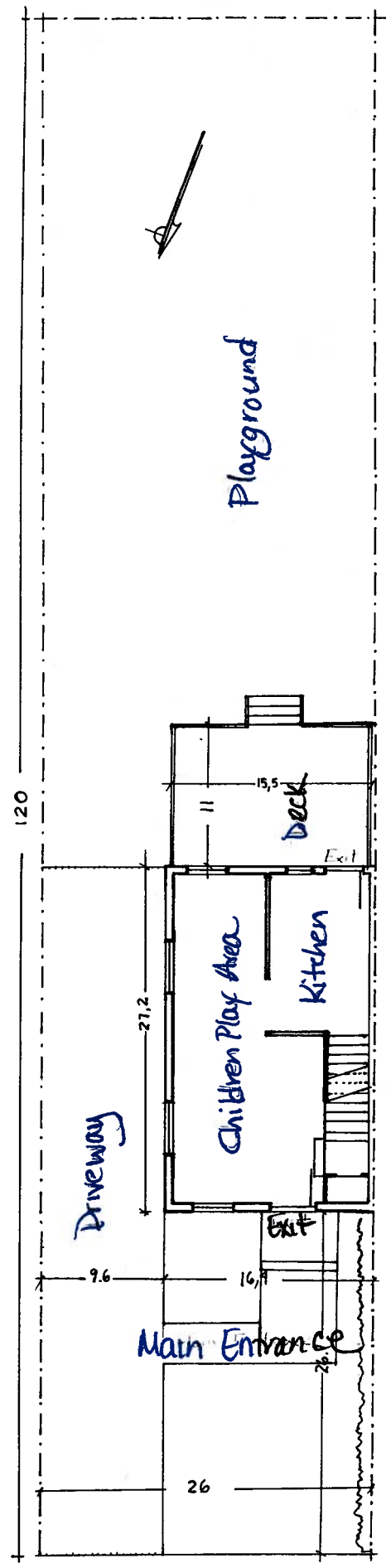
A fence is located around all the outdoor play area as well as on sides of the front door's area.



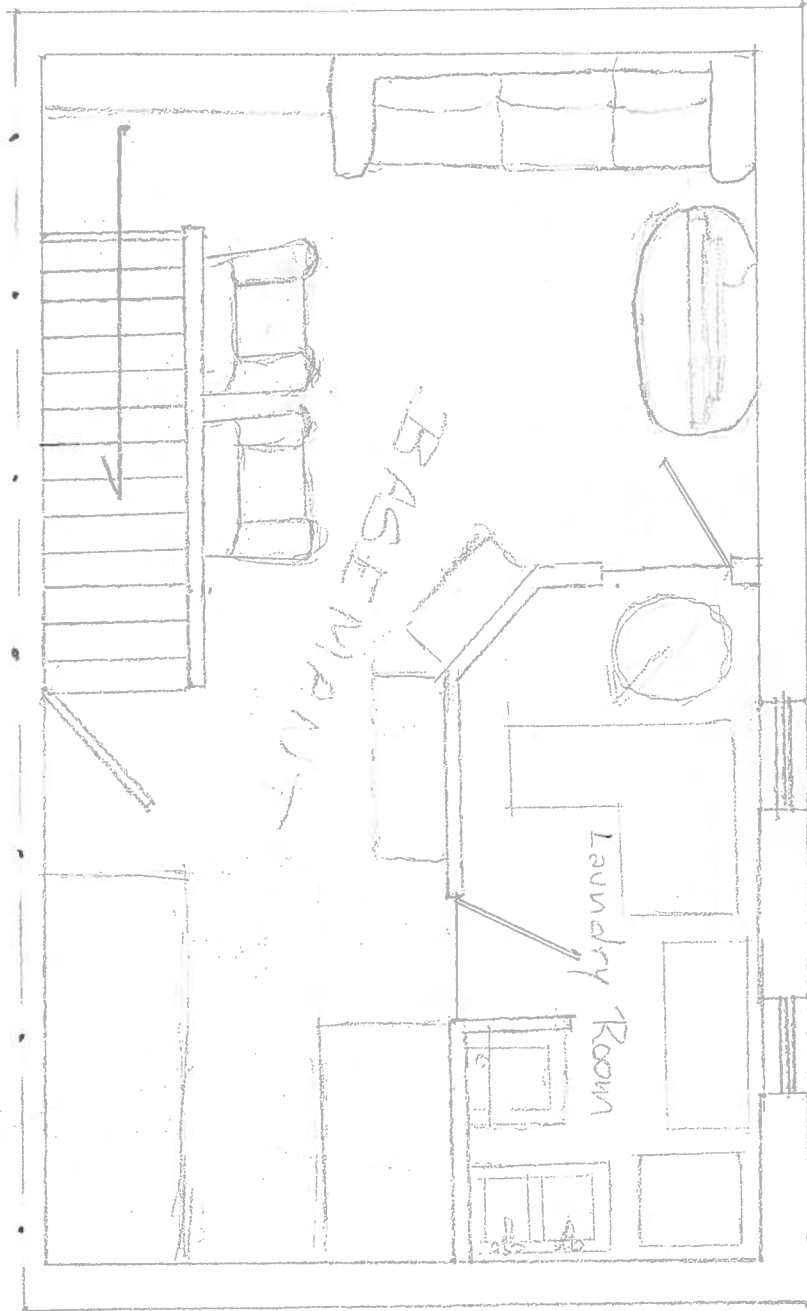
first floor



Second floor



South Iris St.



Basement



8th Available Parking At all times

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St. Judes DayCare
104 S Iris St
Alexandria, VA 22304

