

Docket Item # 5
SPECIAL USE PERMIT #2003-0104

Planning Commission Meeting
January 6, 2004

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

APPLICANT: Soad E. Davis

LOCATION: 4323 Utica Avenue

ZONE: R-2-5/Residential

I. DISCUSSION

REQUEST

The applicant, Soad E. Davis, requests special use permit approval for the operation of a child care home with a maximum of nine children located at 4323 Utica Avenue.

Pursuant to Section 7-500(B) of the zoning ordinance, a child care home for six to nine children requires special use permit approval.

SITE DESCRIPTION

The subject property is one lot of record with a total lot area of 5,780 square feet. The site is located at the end of a cul-de-sac between Hudson Street and Utica Avenue with vehicular access from both streets. It is developed with an attached, two-story duplex where the applicant resides and occupies both floors.

SURROUNDING USES

The property is surrounded by residential uses with predominantly townhouse and duplex structures. Verizon offices are located further north and are visible from the applicant's backyard.

PROJECT DESCRIPTION

The applicant is currently caring for five children in her principal residence, two of whom are unrelated and three of whom are her own children. She seeks permission to increase the number of children in her care to nine. Her three children are six, three and two years old. The applicant has been a registered family child care provider with the City of Alexandria since April 18, 2002 and has made significant improvements to her home since then. The applicant has applied to the State Department of Social Services to expand her child care. She uses three rooms on the main floor for the child care facility and uses the relatively large and fenced backyard for outdoor activities.

Number and age of children: The Social Services Department has advised that given the size of the applicant's residence, the applicant's special use permit should be limited to no more than eight children. According to the applicant, the children will range in age from infants to six years.

Hours of operation: The child care home will operate Monday through Friday from 7:00 A.M. to 7:00 P.M. Children will typically be dropped off between 7:00 A.M. and 8:00 AM and picked up between 5:00 P.M. and 7:00 P.M.

Outdoor Play area: The applicant uses the large fenced rear yard for outdoor activities. The yard includes 1,500 square feet of outdoor play area, accommodating more than 75 square feet per child above the age of two and therefore exceeding the requirements stipulated under Section 7-500 (B). Additionally, there are two City parks, Ewald Park and Tarleton Park, that are located in the vicinity of the residence which provide additional outdoor play area options.

Employees: The applicant indicates that three employees will staff the child care home, with a maximum of two employees, the applicant and one assistant, on site at any one time. Requirements for the assistants' training are specified under the recommended permit conditions.

Trash: The applicant anticipates that one bag of trash per day will be generated by the proposed use. Trash is disposed of in a bin located on the property's side yard and is collected along with the residential garbage in the neighborhood once a week.

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

PARKING

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

ZONING

The subject property is located in the R-2-5/Residential zone. Section 3-502 (D) of the zoning ordinance allows a child care home in the R-2-5 zone only with a special use permit.

MASTER PLAN

The proposed use is consistent with the Seminary Hill/Strawberry Hill Small Area Plan chapter of the Master Plan, which designates the property for residential use.

II. STAFF ANALYSIS

Staff has no objection to the proposed child care home located at 4323 Utica 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 states that the applicant has been a registered family child care provider for nearly two years and is in the process of obtaining a State License for the larger facility and recommends approval of the application. Furthermore, the applicant has received a favorable recommendation from the Alexandria Department of Social Services.

Adequate open space is provided on-site. In addition, there are two City parks located in the vicinity of the child care home.

Adequate on- and off-site parking is also available. In addition, parents will likely drop off or pick up their children at different times, staggering the demand for parking and reducing the overall

impact of additional cars associated with this use. Lastly, because the residence is located in a cul-de-sac between Utica Avenue and S. Hudson Street, the area may be less impacted with traffic congestion associated with the pick up and drop off activities than if the home were located on a regular through street.

Consistent with the Social Services Department's recommendation, staff has included a condition limiting the maximum number of children to be cared for by the applicant to eight.

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

III. RECOMMENDED PERMIT CONDITIONS

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. The applicant shall provide child care for no more than eight children at any one time. (P&Z) (Social Services)
3. The applicant shall comply with all other department's recommendations, and the licensing and registration requirements and other limitations of local and state regulations. (Social Services)
4. The applicant shall have the help of assistants who have successfully been trained and certified in First Aid procedures. (Social Services)
5. The basement shall never be used for child care. (Social Services)
6. This special use permit shall not be effective unless and until the child care home for up to eight children is licensed by the Virginia Department of Social Services. (P&Z)
7. Only one "non-resident" assistant shall be permitted on-site at any one time. (P&Z)
8. The hours of operation shall be limited to between 7:00 A.M. and 7:00 P.M., Monday through Friday. (P&Z)
9. No external speakers outside the building will be installed and no amplified sound shall be audible at the property line. (T&ES)

10. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the child care center, a robbery awareness program for employees, and regarding safety programs available through the department for the children. This is to be completed prior to the child care home opening for business. (Police)
11. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements. (P&Z)
12. The Director of Planning and Zoning shall review the special use permit one year after approval 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, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, 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 Note:

The applicant shall obtain a certificate of occupancy prior to commencement of the child care home. The applicant must be registered with the Alexandria Department of Social Services.

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.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Bettina Irps, Urban Planner.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 The location of the facility on a cul-de-sac type street should allow for safe pick up and drop off of children away from vehicle travel ways.
- R-1 No external speakers outside the building will be installed and no amplified sound shall be audible at the property line.
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- C-1 This review is based on the assumption that this facility will be 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 objection, in that this department has no regulations governing Child Care Homes.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the child care center. This is to be completed prior to the child care home opening for business.

- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for employees.
- R-3 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding safety programs available through the department for the children.

Human Services - Social Services:

- F-1 Ms. Soad Davis of 4323 Utica Avenue has been a registered family child care provider since April 18, 2002. Her current child care permit expires on May 31, 2004. Ms. Davis provides child care for five children, two unrelated and three of whom are her own children. Her three children are six, three and two years old. The six and the three year old are usually out of the home during the day as they attend school.
- F-2 Ms. Davis wishes to expand her child care business and be able to care for up to nine children. She has begun the process to qualify for a state license. Her husband and her mother have expressed interest in helping her with child care duties. To be certified as an assistant a person must complete the same 35 hour training course as Ms. Davis did and be certified in First Aid. These courses are offered at no cost to individuals who wish to act as assistants in child care homes. The next 35 hour training series will be offered in early January 2004. In the meantime Ms. Davis is attempting to locate a suitable assistant who has already has been trained..
- F-3 Ms. Davis secured a loan of \$85,000 and has made significant improvements to her home since gaining her permit to do child care in 2002. She lives in a duplex on Utica Avenue that has a relatively large, fenced back yard.
- C-1 The basement in this unit has only one exit and Ms. Davis has agreed to never use the basement for any activities related to caring for children. She will use her living room and the two rooms she has added on the main floor of the house for the majority of her child care duties.
- R-1 Approval of the Special Use Permit for no more than eight children, pending compliance with other departments' recommendations, and subject to the licensing and registration requirements and other limitations of local and state regulations, and on the condition that she always have the help of assistants who have successfully been trained and certified in First Aid procedures and that the basement never be used for child care.

Department of Recreation, Parks:

- S-1 Purchase new swing set with proper buffer distances from fence and other play equipment; 9 feet minimum. Install equipment per manufacturers recommendations and most recent ASTM Consumer Safety Specification for Home Playground Equipment.
- S-2 Play equipment should be located on 12 inches of approved play surfacing, for example, a mulch manufactured specifically for playground surfacing. Surfacing should be contained by borders, such as timber ties.
- S-3 Install fencing 6 feet in height along northwest property line.