

Docket Item #5
SPECIAL USE PERMIT #2004-0081

Planning Commission Meeting
November 4, 2004

ISSUE: Consideration of a request for a special use permit to operate a child day care center/preschool.

APPLICANT: Agudas Achim Congregation
by Robert Meyers

LOCATION: 2908 Valley Drive
(Parcel Address: 1306 Kenmore Avenue)

ZONE: R-8/ Residential

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

I. DISCUSSION

REQUEST

The applicant, Agudas Achim Congregation by Robert Meyers, requests special use permit approval to operate a child day care center/preschool within the Agudas Achim Congregation located at 2908 Valley Drive.

SITE DESCRIPTION

The subject property is one corner lot of record with approximately 545 feet of frontage on Kenwood Avenue, 454 feet of frontage on Valley Drive, and a total lot area of 118,154 square feet. The site is developed with a synagogue, ancillary buildings and two on-site parking lots. The proposed preschool will occupy 2,583 square feet of the building's ground floor area.

The subject site is surrounded by single-family homes to the west, east and south. The City's Robert Leider Park lies to the north, across Kenwood Avenue.

PROJECT DESCRIPTION

The applicant, a non-profit religious organization, proposes to operate a preschool within its current facility. The preschool will utilize eight of the existing classrooms in addition to an outdoor play area, which is located in an area facing Allison Street and the City park. According to the applicant, the curriculum offered will be based on the National Association of Education for Young Children and the conservative approach to Judaism.

The applicant intends to start operating on a small scale with ten children and two employees, offering classes three times per week. As demand increases over time, the applicant anticipates an expansion of the preschool program to offering classes five times per week, and potentially increasing the maximum number of children present at any one time to 67.

Hours of Operation: The child day care center/preschool is proposed to be open from 7:30 A.M. to 6:00 P.M., three to five days between Monday and Friday, with a majority of classes ending in the noon hours.

Number/Age of Children: The applicant anticipates an attendance of ten children in the beginning, and up to 67 children as demand increases, ages two to five years, subject to approval of the Licensing Division of the Virginia Department of Social Services.

Number of Employees: The number of employees will depend on the number of children enrolled in the program. The applicant intends to exceed the State required child-teacher ratio to ensure the children's safety and well being. For a capacity of 67 children, approximately 16 employees will be on the premises at any one time.

Trash: Depending upon the capacity, between three and ten trash bags will be generated by the use on a weekly basis. Trash is disposed of in a designated area located on the property and is currently collected once a week. If needed, the applicant will increase the trash collection to up to three times per week.

Outdoor Play Area: The applicant will utilize existing on-site playground for outdoor activities. The children's outdoor activities will be scheduled, supervised and in compliance with all safety regulations.

Noise: Some noise will be generated from children playing at the on-site playground. However, the playground is located on the north side of the property facing Allison Street and the City Park; the congregation buildings, the parking lots and landscaping will serve as buffers for noise for the residential properties to the south and east. The applicant is also proposing to increase the fence height from four to seven feet to address security concerns, which will also further reduce the noise level. In addition, the children are under supervision at all times and parents will be advised to keep any inconveniences to the neighbors (i.e. at drop-off and pick-up times) to a minimum.

Pick-up/Drop-off: Parents and care givers who drive are encouraged to use the Valley Drive on-site parking lot, which has designated drop-off and pick-up areas at the building's entrance to minimize the effect on local traffic. The average drop-off times will be between 7:30 A.M. and 9:00 A.M., pick-up times will range from noon, 1:00, 4:00 and 6:00 P.M.

PARKING

Pursuant to Section 8-200 (A)(11) of the zoning ordinance, a child day care center/preschool is required to provide two parking spaces for each classroom. In this case, the applicant's layout indicates a total of 8 classrooms for a requirement of 16 spaces. Parking in excess of 80 spaces is provided on the on-premise parking lots, thus exceeding the technical parking requirement. While visitors are encouraged to use the Valley Drive parking lot, staff will park on the parking lot facing Allison Street.

ZONING / MASTER PLAN

The subject property is located in the R-8/Single-family Residential zone. Section 3-303 (B) of the zoning ordinance allows day nurseries within church buildings with a special use permit. The proposed use is consistent with the Northridge/Rosemont Small Area Plan chapter of the Master Plan, which designates the property for residential use and therefore permits church operations.

II. STAFF ANALYSIS

Staff supports the proposed preschool located at 2908 Valley Drive. The facility will provide a much needed service to the residents of the City's northside. Staff finds that the proposed preschool is a community serving use that is appropriate for this large site and that would compliment the ongoing activities of this congregation. Furthermore, sufficient parking is provided on-site. Staff does not anticipate that the preschool will create a nuisance for existing residents as it mostly operates within the building. The only increase in activity will be associated with scheduled outdoor activities on the on-site playground, but staff believes that the applicant is taking all precautions to minimize the noise level to continue the good relationship with adjoining neighbors.

Staff has included a number of standard conditions and a condition requiring a review of the preschool one year after approval. With these 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 business or entity in which the applicant has a controlling interest. (P&Z)
2. The hours of operation shall be limited to between 7:00 A.M. and 7:00 P.M., Monday through Friday. (P&Z)
3. The maximum number of children permitted at the child care facility at any one time shall be 67, subject to approval of the Licensing Division of the Virginia Department of Social Services. (P&Z) (OECD)
4. The applicant shall comply with all other department's recommendations, and the licensing and registration requirements and other limitations of local and state regulations. (P&Z)
5. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
6. The applicant shall provide a minimum of 16 parking spaces and require its employees who drive to work to use off-street parking. (P&Z)

7. 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)
8. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the preschool, 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 day care center's opening for business. (Police) (P&Z)
9. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
10. 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 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 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: Eileen Fogarty, Director, Department of Planning and Zoning;
Bettina Irps, Urban Planner.

StaffNote: 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 All loudspeakers shall be prohibited from the exterior of the building and no amplified noise 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:

- F-1 The current use is classified as A-4, Assembly, the proposed use is A-2 & A-3, Assembly, and E, Educational. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities. The applicant has applied for a change of use (BLD2004-02867) and a new certificate of occupancy on August 18, 2004 and is under review by Code Enforcement.
- F-2 The increase height of the proposed fencing to 7 feet in height will require a construction permit.
- C-1 The current fire prevention code permit shall be amended to reflect the proposed additional operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 A Certificate of Occupancy shall be obtained prior to any occupancy of the building or portion thereof for the proposed use, in accordance with USBC 119.0.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operation.
- C-3 This facility must meet state and city Social Services requirements for air and floor space, toilet facilities, separate isolation room for sick children, lighting, temperature, storage for cots, clothing. Other items may be required by state or city codes.
- C-4 If food preparation or food handling is done on the premises, five sets of plans of the food handling areas are to be submitted to the Health Department for approval.
- F-1 The operator indicated that they will not offer any type of food service to the children at this time. Lunches will be brought from homes with cold packs, as needed. Therefore, a health permit is not required for this facility.

Police Department:

- F-1 Ms. Galeet Westreich who will be working at the preschool has had the security survey completed. Ms. Westreich was advised to call the Crime Prevention Unit of the Alexandria Police for a child safety survey once the preschool is open, which she advised she would do.

Department of Human Services, Office of Early Childhood Development (OECD):

- S-1 Determine whether or not licensing regulations allow staff, children and public to use the same toilet facilities: It has been proposed that the staff and children use the same lavatory that the general church public will. There are regulations that address this issue. Please review licensing regulations to ensure that use of the same lavatory is permissible.
- S-2 Review regulations regarding the height requirement for toilet used by toddlers (children under age of three): The toilets proposed for use are adult size toilets. This may create a hazardous situation for young children. Outline a plan for addressing the safety issues.
- S-3 Provide a schedule for toileting procedure: The children in care will use the same lavatory as the general public. Therefore, it is recommended that a schedule be created reflecting the plan for supervision of children who will be using the bathroom

during the day and the plan for the supervision of children remaining in the classrooms.

- S-4 Finalize plans for parent drop-off and pick-up for children, including the security system: At the time of the visit, the security door estimate was being conducted. According to the director, there is still some uncertainty as to the placement of the camera, monitors and security doors that will be used at the center.
- S-5 Check indoor play area for wooden floor with “bubbles”: The indoor play area space is a wooden plank floor auditorium that appears to have ventilation issues that cause the floor to swell. This must be assessed before the children are allowed to play on the floor.
- S-6 Submit amended floor plan to: (a) reflect an accurate capacity count as determined by the minimum square footage of 25 sf. per child; (b) identify the rooms that will be used by the preschool children only; and (c) designate pick-up and drop-off points and entrances for families and visitors.
- S-7 Check outdoor playground for utility and drainage covers: Determine whether or not the manholes on the playground create problems such as limiting access for workmen or creating a hazard to the children.
- S-8 provide a schedule of activities for the children: The activity schedule should include all the activities offered, the children participating and the times the activities will be made available.
- S-9 Determination of the number of children to be served: This program has requested approval for no more than 100 children, which is appropriate based on the current space requirement by state licensing regulations of 25 square feet per child. However, new regulations are pending that would increase the square footage requirement to 35 sf. If these new requirements go into effect, this program and others in the city may need to amend their SUP to reflect that change.
- S-10 Devise a plan for food and beverage storage and handling: If food is to be prepared on site, determine where the children will eat and where food will be stored and ensure that food handling procedures meet all requirements of the health department.