

Docket Item #4  
SPECIAL USE PERMIT #2004-0109

Planning Commission Meeting  
January 6, 2005

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

**APPLICANT:** Natasha Kirsh

**LOCATION:** 3514 Halcyon Drive

**ZONE:** R-8/Residential

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**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.

**SITE GRAPHIC**  
**AVAILABLE IN THE PLANNING AND ZONING OFFICE**

## I. DISCUSSION

### REQUEST

The applicant, Natasha Kirsch, requests special use permit approval for the operation of a child care home with a maximum of nine children located at 3514 Halcyon Drive.

### SITE DESCRIPTION

The subject property is one lot of record with approximately 65 feet of frontage on Halcyon Drive, and a total lot area of 5,897 sq. ft. The site is located in the Beverly Hills community and developed with a single family detached house where the applicant resides.

### SURROUNDING USES

The property is surrounded by single-family residential uses.

### PROJECT DESCRIPTION

The applicant requests approval to operate a child care home for up to nine children. The specific aspects of the home are proposed as follows:

- Age of children: According to the applicant, the children will range in age from 7 months to three years.
- Hours of operation: The applicant intends to offer child care services from 7:00A.M. to 7:00P.M., Monday through Friday. The drop-off and pick-up times will vary depending on the parent's schedules but will typically be 7:00A.M. to 9:00A.M. for drop-off and 6:00P.M. to 7:00P.M. for pick-up.
- Outdoor play area: The applicant will use the approximately 2,020 square feet of fenced rear yard for outdoor activities. By providing more than 75 square feet of outdoor play area per child above the age of two, the applicant exceeds the requirements stipulated under Section 7-500 (B) of the zoning ordinance.
- Employees: The applicant and one co-teacher/assistant will staff the child care home whenever more than five children, including her own, are in her care.
- Trash: The applicant anticipates that two bags of trash per week will be generated by the proposed use. Trash is disposed in a bin located on the property and is collected along with the residential garbage in the neighborhood once a week.

Noise: The applicant anticipates some noise generated from the children playing in the back yard; however, children are under supervision at all times. The children are not allowed to go outside without applicant's permission. The applicant and staff will 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; however, on-street parking spaces are available along Halcyon Drive 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 has a driveway accommodating approximately two compact vehicles.

ZONING/MASTER PLAN

The subject property is located in the R-8 zone. Section 3-302(C) of the zoning ordinance allows a child care home in the R-8 zone only with a special use permit. Pursuant to Section 7-500(B) of the zoning ordinance, a child care home for six to nine children requires special use permit approval.

The proposed use is consistent with the Northridge/Rosemont 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 3514 Halcyon Drive. 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) states that the applicant's home is an excellent setting providing two distinct areas for educational and recreational activities.

Adequate open space is provided on-site. In addition, on- and off-street parking is available. Staff notes that 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.

Consistent with the recommendation of the Department of Human Services, staff has included standard child care home conditions and a condition limiting the maximum number of children to be cared for by the applicant to nine. Finally, staff recommends a condition requiring a review of the child care home after it has been operational for one year. With these conditions, staff recommends approval of the special use permit.

### III. RECOMMENDED PERMIT 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 applicant shall provide child care for no more than nine children at any one time. (P&Z) (OECD)
3. The applicant shall comply with all other City departments' recommendations of this Special Use Permit. In addition, the applicant shall comply with licensing, registration requirements, and other limitations of local and state regulations. (OECD)
4. The applicant shall have the help of assistants who have successfully been trained and certified in First Aid procedures whenever more than five children, including her own, are in her care. (OECD)
5. 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)
6. Only one "non-resident" assistant shall be permitted on-site at any one time. (P&Z)
7. The hours of operation shall be limited to between 7:00 A.M. and 7:00 P.M., Monday through Friday. (P&Z)
8. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
9. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the child care home, and regarding safety programs available through the department for the children. This shall be completed prior to the child care home opening for business. (Police)
10. 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)

11. The applicant shall enclose the rear yard with a 6 foot fence to the satisfaction of the Director of Planning and Zoning (P&Z).
12. 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 a 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: Eileen Fogarty, Director, Department of Planning and Zoning;  
Richard Josephson, Deputy Director;  
Marlo Wilson, Zoning Inspector.

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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:

- 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.
- R-1 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.
- R-2 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-3 No amplified sounds shall be audible at the property line.
- R-4 All waste products including, but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers, or be discharged onto the ground.
- F-1 The road is rather narrow and parking is permitted on both side. Even so, the location looks well suited for a small child care facility, as there is a driveway where children could be dropped off.

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

Human Services:

- S-1 The Kirsch home is an excellent setting for a child care program. There are two distinct areas where the child care will take place, a main floor arts and crafts room that was converted from a garage and a downstairs playroom that has an outside exit to the backyard via some steps. The arts and crafts area has child-sized tables and chairs with an excellent selection of puzzles, craft materials and equipment. She has a three child stroller and a two child one. The lower level playroom has many toys and playthings for young children. There are two poles in this room that were padded with foam, covered with heavy cloth and made to look like trees, a clever way to conceal what could have been a hazard to small children. The backyard is fenced and has some play equipment along with open grassy space and a gazebo. There is also a room with wooden full size cribs and her diapering area, in an alcove off the playroom, is near of source of water for washing hands and well-equipped with a changing area, diapers and gloves.

It is obvious that Ms. Kirsch has put a lot of time, money, effort and thought into creating an ideal space for children to play and learn.

- R-1 The applicant shall provide child care for no more than nine children at any one time.
- R-2 The applicant shall comply with all other City departments' recommendations of this Special Use Permit. In addition, the applicant shall comply with licensing, registration requirements, and other limitations of local and state regulations.
- R-3 The applicant shall have the help of assistants who have successfully been trained and certified in First Aid procedures whenever more than five children, including her own, are in her care.

SUP#2004-0109  
3514 Halcyon Drive

**REPORT ATTACHMENTS  
AVAILABLE IN THE PLANNING AND ZONING OFFICE**