

Docket Item #5
SPECIAL USE PERMIT #2005-0007

Planning Commission Meeting
April 5, 2005

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

APPLICANT: Madelaine Cuello

LOCATION: 477 N. Armistead Street Apt. 1
(Parcel Address: 435 N. Armistead Street)

ZONE: RA/Residential

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinance 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, Madelaine Cuello, requests special use permit approval for the operation of a child care home located at 477 N. Armistead Street #1. 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 site is a ground-level apartment unit within a larger garden-style apartment complex that consists of 22 buildings. The subject apartment complex property is one lot of record with approximately 865 feet of frontage along North Armistead Street and a total lot area of 13.06 acres.



SURROUNDING USES

The property is surrounded by residential uses with predominantly garden-style condominiums/apartments and Interstate 395. The building in which the apartment unit is located faces the main parking lot for the complex. The area in front of the building is characterized by a slope that requires those going into the building to go up and down stairs to gain access to the building. Although the complex is adjacent to Interstate 395 on the south side, the subject building is not directly adjacent to Interstate 395, but rather backs to a condominium complex.



PROJECT DESCRIPTION

The applicant has been a registered family child care provider with the City of Alexandria since 2001, and without an SUP, is allowed to care for five children, which includes her own two children, who are five and twelve months old. The applicant seeks permission to increase the number of children in her care to nine and has applied to the State Department of Social Services for a license to expand her child care services. The applicant has dedicated her dining room, living room, and one bedroom to child care activities, which equals approximately 492 square feet.

Age of children: According to the applicant, the children will range in age from one to five years.

Hours of operation: The applicant intends to offer child care services during the day from 7:30 a.m. to 5:30 p.m. and during the evening from 5:30 p.m. to 10:00 p.m., Monday through Friday. The drop-off and pick-up times will vary depending on the parents' schedules, but will typically remain in the range of 7:00 a.m. to 9:00 a.m. for daytime drop-off and 3:00 p.m. for evening drop-off, and 5:00 p.m. to 6:30 p.m. for daytime pick-up and 10:00 p.m. for evening pick-up.

Outdoor play area: The applicant uses two playground areas provided by the complex for outdoor activities. Additionally, there is open space to the rear of the subject building that is fenced. Staff spoke to the management of the apartment complex and they are aware that the applicant will use the playground areas for the children. The applicant meets the requirements stipulated under Section 7-500 (B) of the Zoning Ordinance for outdoor play area.

Employees: The applicant and one assistant will staff the child care home whenever more than five children, including her own, are in her care. Requirements for the assistants' training are specified under the recommended permit conditions.

Trash: The applicant anticipates that three bags of trash per week will be generated by the proposed use. Trash will be disposed of daily in a dumpster located on the apartment complex property.

Noise: Some noise will be generated by the children when playing outside; however, the children are under supervision at all times, and the applicant and staff escort the children during any outdoor and off-site activities. No complaints have been made to management regarding noise levels for the current facility.

PARKING

Section 8-200 (A) of the Zoning Ordinance does not specify a particular parking requirement for a child care home. However, parking is provided in a shared lot in front of the applicant's home that allows for safe pick-up and drop-off of children.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the RA/Multifamily Residential zone. Section 3-602 (F) of the Zoning Ordinance allows a child care home in the RA zone, as permitted by Section 7-500. The proposed use is consistent with the Alexandria West Small Area Plan chapter of the Master Plan, which designates the property for residential use.

II. STAFF ANALYSIS

Staff does not object to the proposed child care home located at 477 North Armistead Street #1. 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 recommends approval of the application.

Staff does have concerns regarding the impact of the evening hours on the adjacent residents. The applicant currently cares for one child plus her two children during the evening. The applicant anticipates that she will have no more than four children, including her two children, in her home during evening hours. Staff's concerns are lessened by the fact that the applicant anticipates only one additional child during the evening. Additionally, staff will review the application in one year for compliance.

Adequate open space is provided on-site. Adequate on-site parking is also 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, including her own 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 10:00 p.m., Monday through Friday. (P&Z)
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 home and a robbery awareness program for all employees. This is to be completed prior to the child care home opening for business. (Police)
9. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding safety programs available through the department for the children. (Police)
10. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)

11. 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 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, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
Katrina Newton, 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:

- 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.
- F-1 There is a good drop-off point from the parking lot, but the concrete steps make a long and steep descent to the front door, and there is only a railing to one side of the steps.
- F-2 Traffic moves fast in the parking lot.

Code Enforcement:

- C-1 This review is based on the assumption that this facility will be licenced 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:

No objections, in that, this department has no regulations governing CHILD CARE HOMES.

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

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

Human Services:

- F-1 Ms. Madelaine Cuello has been a child care provider in the City of Alexandria since 2001. During that time, Ms. Cuello has demonstrated professionalism and responsibility in the management of her child care business. She recently moved to a larger apartment and is asking the City to grant her an SUP in hopes of becoming a State Licensed Child Care Provider in the future.

During my visit to her home, Ms. Cuello stated that she will use her living room and dining room as well as a large bedroom for her child care program. The use of these three rooms will ensure that she has adequate space of up to nine children. In addition, Ms. Cuello's apartment is on the ground floor with easy access to a fenced backyard where the children can play.

Ms. Cuello has always demonstrated a commitment to the welfare of children and their families and has pursued additional training in early childhood development and education. Approval of Ms. Cuello's Special Use Permit to allow care for up to nine children is recommended pending compliance with other departments' recommendations and subject to the licensing requirements and other limitations of local and state regulations.

SUP#2005-0007
477 N. Armistead Street

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