

Docket Item #8
SPECIAL USE PERMIT #2005-0033

Planning Commission Meeting
June 7, 2005

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

APPLICANT: Dawn Abate

LOCATION: 2406 Mount Vernon Avenue

ZONE: CL/Commercial Low

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

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

The applicant, Dawn Abate, requests special use permit approval for the operation of a child care home located at 2406 Mount Vernon Avenue.

SITE DESCRIPTION

The subject property is one lot of record with 65 feet of frontage on Mount Vernon Avenue, 105 feet of depth and a total lot area of 6,955 square feet. The property is located at the southwest corner of Uhler and Mount Vernon Avenues. The site is developed with a two-story single family home. The house has a driveway and parking pad accessed from Uhler Avenue.



There are a mix of commercial and residential uses in the area. Across the street to the east is the Caboose Cafe and other commercial uses. There is a church located at the northeast corner of Uhler and Mount Vernon. The Mount Vernon Elementary School is located across Uhler Avenue to the north, with the school's playground located closest to the subject residence. Single family homes are located to the south and west of the subject property.

PROPOSAL

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 6-months to 5 years, with most being between ages 2 and 4. The total number of children will include the applicant's daughter of 2.5 years.

Hours of operation: The applicant intends to offer child care services from 7:15 A.M. to 5:30 P.M., Tuesday, Wednesday and Thursday, but is requesting the hours of 7:15 A.M. to 6:00 P.M. Monday through Friday to provide some flexibility for the future.

Pick-up/drop-off: Parents will park in the driveway accessed from Uhler Avenue and walk their children to and from the home using the rear door. There is room for up to four cars on the parking pad/driveway at any one time. The employee is proposed to park on the street. Pick-up and drop-off times will vary depending on the parent's schedules but will

typically be 7:15 A.M. to 9:00 A.M. for drop-off and 3:00 P.M. to 5:30 P.M. for pick-up. Parents will be encouraged to stay no longer than five minutes during pick-up and drop-off hours to allow room in the drive for other cars.

Outdoor play area: The applicant will use the approximately 2,200 square feet of 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. The applicant proposes to install new fencing for the yard.

Employees: The applicant will hire one full time assistant, so there will be two adults with the children at all times.

Trash: The applicant anticipates that two bags of trash per week will be generated by the proposed use. Trash will be 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 any noise from inside the house not to be disruptive to neighbors, as the home is situated far enough from surrounding houses. The applicant expects some noise from children when playing outside, but anticipates that neighbors are accustomed to some of this kind of noise from the school playground located across the street. If noise becomes a problem, the applicant states that she will limit the number of children that can be outside at any one time to lower the noise level.

PARKING

Section 8-200(A) of the Zoning Ordinance does not specify a particular parking requirement for a child care home; however, up to four vehicles can be parked in the driveway and parking pad on the property that should allow for safe pick-up and drop-off of children away from vehicle travel ways. Additionally, there is street parking available both on Uhler and Mt. Vernon Avenues.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CL/Commercial Low zone. Section 4-103 (D) of the Zoning Ordinance allows a child day care in the CL zone only with a special use permit.

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan, which designates the property for uses consistent with the CL zone.

II. STAFF ANALYSIS

Staff has no objection to the proposed child care home located at 2406 Mount Vernon 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, Office of Early Childhood Development (OECD) states that the applicant's home is an excellent setting for child care.

Adequate open space is provided on-site. In addition, four off-street parking spaces and area on-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. In addition, staff recommends a condition requiring a review of the child care home after it has been operational for one year. Staff also recommends the hours of 7:00 A.M. to 7:00 P.M. Monday through Friday, which are consistent with recently approved child care homes, and would provide the applicant some flexibility for the future. Finally, staff recommends Conditions #7 to repair and replace some sections of the existing wrought iron fence on the property, and Condition #11 to remove the remnants of an old garage at the back of the property. 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 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.
4. 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)
5. Only one "non-resident" assistant shall be permitted on-site at any one time. (P&Z)
6. The hours of operation shall be limited to between 7:00 A.M. and 7:00 P.M., Monday through Friday. (P&Z)
7. For purposes of safety, the applicant shall modify the top portion of wrought iron fencing (at the front of the property) to remove the spikes, or replace the entire fencing with comparable wrought iron fencing located along Uhler Ave. The applicant shall also repair the two panels of wrought iron fencing located along Uhler. As an alternative, the applicant may remove all of the wrought iron fencing at the front of the building to the satisfaction of the Director of Planning and Zoning. (T&ES) (P&Z)
8. 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)
9. 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)

10. The applicant shall enclose the rear yard with a 6 foot fence to the satisfaction of the Director of Planning and Zoning (P&Z).
11. For purposes of safety, the applicant shall completely remove the existing garage structure at the rear of the site which is in disrepair. (T&ES)
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 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;
Richard Josephson, Deputy Director;
Valerie Peterson, 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.
- R-1 For purposes of safety, the applicant shall modify the top portion of wrought fencing to remove the spikes or replace the entire fencing with comparable wrought iron fencing located along Uhler Ave. (T&ES)
- R-2 The applicant shall repair the two panels of wrought iron fencing located along Uhler. (T&ES)
- R-3 For purposes of safety, completely remove the existing garage structure at the rear of the site which is in disrepair. (T&ES)
- F-1 No objections to proposed day care facility.
- F-2 The applicant has proposed a new fence that will prevent the children from playing in the front yard, however, it should be noted that the existing fence--which is directly adjacent to the sidewalk along Mt Vernon--could be potentially dangerous to children playing in the yard because the top of the fence consist of wrought iron spikes which is within a few feet of where the lawn rises to nearly the height of the fence. Potentially a running child falling forward could land onto the iron spikes, where serious injury could result.
- F-3 There are two panels of wrought iron fencing along Uhler Ave. at the corner with Mt. Vernon Ave. that is in disrepair.
- F-4 There is a partially de-constructed garage at the end of the driveway that consists of three unsupported block walls which are cracked and leaning.

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 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.
- 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:

- R-1 The Abate home can be an excellent setting for a child care program. The home has a large living room, screened and glassed-in front porch and a dining room, in addition to a kitchen and bathroom on the main level. This is where the main child care area will be. There is a lot of versatility in the play area and no firm decision has been made on exactly where the children will eat, nap or play within the space. She

may use the front porch for arts and crafts or push toys and large motor play. There is a back/side yard that will be fenced for outdoor play and there is a playground across the street at Mt. Vernon Community School. Ms. Abate plans to use an upstairs bedroom for infant naps. She stated that she checked with the State Licensing office and they said she could use a baby intercom. There will probably be two diaper changing areas, one downstairs and one upstairs. They will both be near sources of water for washing hands, etc. There is a driveway in the back that would allow parents to pick up and drop off from the Uhler Avenue side of the house instead of using Mt. Vernon Avenue.

Ms. Abate is planning some renovations to the home that will make it more child-proof and more child-friendly.

- 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.

Parks and Recreation:

- F-1 No comments.

SUP#2005-0033
2406 Mt Vernon Avenue

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