

Docket Item #7  
SPECIAL USE PERMIT #2005-0074

Planning Commission Meeting  
September 8, 2005

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

**APPLICANT:** Deborah Tillman

**LOCATION:** 1400 Duke Street

**ZONE:** OCM(50)/Office Commercial Medium

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

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

## I. DISCUSSION

### REQUEST

The applicant, Deborah Tillman, requests special use permit approval for the operation of a child day care center located at 1400 Duke Street.

### SITE DESCRIPTION

The subject property is part of a parcel comprised of lots of record together having approximately 498 feet of frontage on Duke Street, approximately 335 feet of frontage on South West Street, and a total lot area of approximately 167,786 square feet, or 3.8 acres. The site is developed with a complex of office buildings, warehouses and flex space. Access to the property is from both Duke and South West Streets. The subject property is located at the southwest corner of Duke and South West Streets, and bordered by Jamieson Street to the south. The subject building is currently occupied by the Shiloh Baptist Meeting and Conference Center, with



its administrative offices and meeting rooms at the north end of the building and its church sanctuary at the south end of the building. A separate operation, BAE Systems, is located in the middle of the building. The child care center is proposed to occupy approximately 3,611 square feet of existing office and meeting space at the north end of the building on both the first and second floors.

### SURROUNDING USES

To the east of the site is Fannon Petroleum Company's sales and distribution facilities and Thrifty Car Rental. To the south and southeast is the Old Town Village development, with the residential condominium buildings located directly behind the Roundhouse Square complex along Jamieson Street. To the west, along Duke Street, is the Marriott hotel complex, and high density office buildings. To the north are a mix of uses, including residential townhouses, the previous Shiloh Baptist Church location and office buildings.

### BACKGROUND

On January 24, 2004, City Council granted Special Use Permit #2003-0099 to Shiloh Baptist Church for a parking reduction for the church and its related activities in the subject building.

The applicant has been operating Happy Home Child Learning Center, a child care center, at Second Presbyterian Church at 1400 Janney's Lane since 1997, when staff approved an administrative special use permit (SUP#97-0120) for a change of ownership of an existing child care center. That center will be closing this fall because the property is being redeveloped, and the subject application is the proposed new location of that center.

PROJECT DESCRIPTION

The applicant proposes to relocate the existing child care center to 1400 Duke Street in what are now office and meeting spaces for the Shiloh Baptist Church. The center will have five classrooms, which includes an infant care room. Qualifications for administrators, teachers, and assistants will comply with the National Association of Education for Young Children. A full-time family support worker with assistant will also be on staff. Specific aspects of the center are as follows:

- Hours of Operation: 6:00 am to 8:00 pm Monday through Friday
- Number/Age of Children: The applicant anticipates between 75 and 86 children to be enrolled. The ages of children will be 1-5 years old. Before and after school care may be provided for children ages 6 to 9 years old.
- Number of Employees: There will be a total of 12 full-time employees, with a morning and evening Administrator.
- Drop-off/Pick-up: The applicant anticipates that drop-off will occur between 6:00 am and 9:00 am, and that pick-up will occur between 4:30 pm and 8:00 pm. Pick-up and drop-off will occur at the parking lot on the property. Parents will be required to accompany the child to and from the building to sign-in and sign-out inside the center.
- Noise: According to the applicant, noise will be kept to a minimum.
- Trash/Litter: Garbage will consist of food and classroom project paper, paper products from meals, and diapers. The applicant estimates that there will be three to four 39 gallon trash bags each day. Trash will be picked up each week. There is a dumpster on the property.
- Outdoor Play Area: The applicant proposes to utilize the African American Heritage Park to provide outdoor opportunities for the children. The applicant also has a shuttle for field trips for the kids.

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 proposes a total of five classrooms for a requirement of ten spaces. There are 63 parking spaces at 1400 Duke Street. Of that 63, six spaces are designated to BAE Systems, the middle tenant, leaving 57 for the church sanctuary and its related meeting and office activities. A parking reduction of 57 spaces was approved for the church sanctuary and related office and meeting space on the north end of the building where the subject child care center is proposed to be located (SUP#2003-0099). Parking requirements for the anticipated uses on the north end of the building are generally consistent with the requirement for a child care center. Therefore, additional parking is not required. As a practical matter, the spaces required for sanctuary and other church related activities are only needed on the weekends and some evenings, leaving most of the parking lot available during peak pick-up and drop-off hours at the proposed center.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the OCM-50/Office Commercial zone. Section 4-1003(G) of the Zoning Ordinance allows a child day care center in the OCM-50 zone only with a special use permit.

Master Plan: The proposed use is consistent with the King Street/Eisenhower Avenue chapter of the Master Plan which designates the property for Office Commercial Medium use.

**II. STAFF ANALYSIS**

Staff supports the proposed child day care center located at 1400 Duke Street. Staff finds that the proposed child day care center is a community serving use that is appropriate for this large site and that would compliment the ongoing activities of the existing church. Furthermore, sufficient parking is provided on-site. Staff does not anticipate that the center will create a nuisance for existing residents as it mostly operates within the building. Regarding parking, staff visited the subject property on a number of occasions during morning and early evening hours, and found a surplus of available spaces on the premises. The Office of Early Childhood Education is supportive of the proposal.

The City's Office of Early Childhood Development (OECD) has reviewed the location of the play area at the African American Heritage Park. Although the park location falls within state licensing standards, it is approximately a half-mile away. Therefore, OECD staff recommends that the applicant provide a safety and activity plan for use of local park for outdoor time. Planning staff is supportive of the condition. The Department of Recreation, Parks and Cultural Activities does not object to the applicant using the park.

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.

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### **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 corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation shall be limited to between 6:00 am and 8:00 pm, Monday through Friday. (P&Z)
3. The maximum number of children permitted at the child care facility at any one time shall be 86, subject to approval of the Licensing Division of the Virginia Department of Social Services. (P&Z) (OECD)
4. The applicant shall designate office space for center administration and personnel to ensure consistent oversight of the program. (OECD)
5. The applicant shall repair or replace damaged ceiling tiles in the upstairs classroom. (OECD)
6. The applicant shall repair or replace carpet in the upstairs classroom. (OECD)
7. The applicant shall designate bathroom space for diaper changing and provide diaper changing facilities for younger children. Provide a plan to ensure proper ratios are maintained if/when a teacher needs to leave the classroom to change diapers. (OECD)
8. The applicant shall designate space for food item storage and provide a refrigerator for perishable items, such as milk and juice. (OECD)
9. The applicant shall provide a schedule and staff for times when doors are not monitored by church staff to ensure safety of children and provide for smooth drop-off and pick-up. (OECD)

10. The applicant shall provide a safety and activity plan for use of local park for outdoor time. The plan should include the following:
  - what ratios are going to be used to ensure the safety of the children as the area is not fenced;
  - how the children will be transported to and from the park;
  - kinds of activities the center will provide for the children as there is no playground area with equipment;
  - how staff at the park will communicate with center personnel in case of an emergency;
  - how supplies, first aid and water will be made available at all times;
  - staffing for emergency medication issues, with properly trained staff as required by state regulations; and
  - a plan to maintain the park area and keep it clear of hazards.  
(OECD)
  
11. 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.
  
12. 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, and on how to prevent underage sales of alcohol. (P&Z)
  
13. 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, 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.

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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:

F-1 No comments

##### Code Enforcement:

- F-1 The applicant has identified intention to provide childcare for children, ages 1 to 2 ½. The location of classrooms designated for this purpose were not specifically identified in the application. The applicant shall identify those classrooms as part of a change of use request to Code Enforcement. Location of the classrooms will determine whether the new use group is E - Educational or I - Institutional.
- C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 The current use is classified as A-Assembly, S-Storage; the proposed use is E-Educational or I- Institutional (See F-1 above). 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.
- C-4 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.



- C-5 This structure contains mixed use groups [A-Assembly; E- Educational or I - Institutional (See F-1 above); S-Storage and is subject to the mixed use and occupancy requirements of USBC 302.3
- C-6 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11. Handicapped accessible bathrooms shall also be provided.
- C-7 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Certified Food Managers must be on duty during all hours of operation.
- C-3 Permits must be obtained prior to operation.
- C-4 Five sets of plans must be submitted to and approved by this department prior to construction.
- C-5 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-6 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.
- C-7 This facility must meet commercial standards (13 or more). Plans must comply with Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. A \$135.00 fee is required for review of plans for food facilities.

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 center 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 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 The proposed site for the child care center is the conference center of a local church. The child care center will use four rooms in the conference center as classrooms as well as a multi-purpose area for additional activities. The rooms are spacious and will provide ample opportunity for learning experiences for the children. The classroom located on the second level will require minor work to be made ready for children. Bathrooms and diaper changing facilities are limited. In addition, office space for center personnel will need to be allocated and personnel will need to be in place to monitor entry and exit of children when church personnel are not on site. Arrangements will need to be made for the storage of food and perishables used by the center. Church administrators seem very willing to work with the child care center to ensure a smooth transition into the facility.  
  
There is ample space off street parking for drop off and pick up of children. The center has proposed to use a local park for required outdoor time. The park is approximately a half mile from the location. There will need to be significant planning by center administration to ensure the health and safety of the children if the park is to be used.
- R-1 Designate office space for center administration and personnel to ensure consistent oversight of the program.
- R-2 Repair and replace ceiling tiles in the upstairs classroom.
- R-3 Repair/replace carpet in the upstairs classroom.
- R-4 Designate bathroom space for diaper changing and provide diaper changing facilities for younger children. Provide a plan to ensure proper ratios are maintained if/when a teacher needs to leave the classroom to change diapers.
- R-5 Designate space for food item storage and provide a refrigerator for perishable items, such as milk and juice.

- R-6 Provide schedule and staff for times when doors are not monitored by church staff to ensure safety of children and provide for smooth drop off and pick up.
- R-7 Provide safety and activity plan for use of local park for outdoor time. The plan should include the following:
- what ratios are going to be used to ensure the safety of the children as the area is not fenced
  - how the children will be transported to and from the park
  - kinds of activities the center will provide for the children as there is no playground area with equipment
  - how staff at the park will communicate with center personnel in case of an emergency
  - how supplies, first aid and water will be made available at all times
  - staffing for emergency medication issues, with properly trained staff as required by state regulations
  - plan to maintain park area and keep clear of hazards.

Recreation, Parks and Cultural Activities:

- F-1 No objection to the child care center using the African American Heritage Park.

SUP#2005-0074  
1400 Duke Street

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