

Docket Item #13  
SPECIAL USE PERMIT #2006-0082

Planning Commission Meeting  
November 9, 2006

**ISSUE:** Consideration of a request for a special use permit to operate a private academic elementary school with child care center.

**APPLICANT:** Shiloh Baptist Church

**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, Shiloh Baptist Church, requests special use permit approval for the operation of a private school with child day care center located at 1400 Duke Street.

### SITE DESCRIPTION

The subject property is part of a parcel comprised of two lots 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 a child care center at the north end of the building and a church worship center at the south end of the building. A separate operation, BAE Systems, is located in the middle of the building. The proposed child care center will occupy approximately 11,000 square feet of existing space at the north end of the building on both the first and second floors.

### SURROUNDING USES

To the east of the site is the Fannon residential development site. 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 historic Shiloh Baptist Church site and office buildings.

### BACKGROUND

The proposed school, Agape Christian Academy, previously operated in Fairfax County. During the Spring of 2006, staff was informed by a representative of the applicant that Agape Christian Academy had requested permission of Shiloh Baptist Church to operate in an un-occupied space at the Shiloh Baptist Meeting and Conference Center located at 1400 Duke Street. At that time, staff informed a representative of Shiloh Baptist Church about the Special Use Permit requirement and

the process that needed to take place. Several months later, on August 30, 2006, the applicant filed an application for a Special Use Permit.

During the summer, staff received a complaint regarding the operation of a child care center at 1400 Duke Street. Staff visited the property multiple times in the following months and did not find a child care center in operation.

On September 26, 2006, the Virginia Department of Social Services invited City staff to a meeting at Shiloh Baptist Church in regards to the possible illegal operation of a child care center. Upon visiting the site, staff observed that the applicant had commenced operation of its school and child care center. In response, the Virginia Department of Social Services representatives requested the cessation of the child care operation. In addition, Planning and Zoning staff issued a monetary fine for the operation of a child care center and private academic school without a Special Use Permit. Also, Code Enforcement staff issued a notice to cease operations until a Certificate of Occupancy has been approved. Staff revisited the property and found that the private school and child care center had ceased operations.

After the cessation of both the child care center and private academic elementary school, the applicant inquired to staff about temporarily operating out of a facility located at 1447 Duke Street, which is owned by Shiloh Baptist Church. Previously, 1447 Duke Street was the location of St. Coletta's Private School (SUP#99-0068). Staff agreed that a temporary Certificate of Occupancy could be issued to operate the private academic elementary school at 1447 Duke Street, provided that the applicant comply with all code requirements, provide proof of insurance liability, file for a change of ownership of the St. Coletta's School SUP, and provide staff with an indemnification letter as well as a letter from St. Coletta's School permitting Shiloh Baptist Church to operate.

The applicant immediately submitted the requested information and filed for a change of ownership of the St. Coletta's Special Use Permit (SUP#2006-0099). On September 29, 2006, staff conducted an inspection of the building at 1447 Duke Street, prior to the opening of the private school, and advised to the applicant about code requirements that needed to be addressed. Staff also found the applicant in compliance with the conditions of SUP#99-0068. Since the issuance of the temporary certificate of occupancy, staff has not received any complaints by nearby residents or City staff regarding the school's operation.

#### PROPOSAL

The applicant proposes to relocate the existing private academic elementary school and add a child care center to 1400 Duke Street in what were previously office and meeting spaces for Shiloh Baptist Church. The center will have 14 classrooms, which include a preschool room, science lab, art room, computer lab, music room, and a Spanish language classroom. In addition, the applicant has indicated that they plan to use Heritage Park for outdoor play during the times that Happy Homes Child Care Center will not be using the Park. The operation of the private academic elementary

school with child care center as proposed by the applicant are as follows:

Hours:	Monday- Friday 6am- 6pm
Number/ Age of students:	10- Child Care Center Students 110- Elementary Students
Number of employees:	15 Full-Time Employees and 5 Part-Time Employees
Drop-off/Pick-up:	The applicant proposes that all children will be dropped-off by parents between 6:30 am and 8:00 am, and that pick-up by parents will occur between 3:30 pm and 6:00 pm. Both pick-up and drop-off will occur on the western side entrance of the building.
Noise:	The applicant does not anticipate noise impacts.
Trash/Litter:	Garbage will consist of typical office and school trash including paper, boxes, and food scraps. The applicant does not anticipate a large increase in trash and garbage than what is being handled presently. Trash will be collected weekly.
Outdoor Play:	The applicant proposes to use Heritage Park for outdoor play. In addition, the applicant has also made arrangements with the Department of Recreation, Parks, and Cultural Activities to shuttle the children by bus to the Nannie J. Lee Center for use of their playground and gymnasium.

PARKING AND TRAFFIC FLOW

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 addition, Section 8-200(A)(11) requires an elementary school to provide one space for each 25 classroom seats. With a child care center having 10 children and an elementary school having 110 classroom seats, the parking requirement will be seven parking spaces. The applicant has proposed to provide 24 on-site parking spaces that the church is not currently using during the hours proposed by the applicant. The applicant also proposes to allocate four of the 24 parking spaces located near the entrance of the building as the pick-up and drop-off area for the children.

In addition, parking for the Shiloh Baptist Church Meeting and Conference Center was calculated as part of the parking reduction request under SUP#2003-0099 approved by City Council on January 24, 2004. There are 63 parking spaces at 1400 Duke Street. Of the 63 parking spaces, six spaces are

designated to BAE Systems. Also, 10 spaces are designated to Happy Homes Child Care Center, a first floor tenant at the northeast end of the building, leaving 47 spaces 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 and private academic elementary school are proposed to be located (SUP#2003-0099). Parking requirements for the previously anticipated meeting and conference center uses on the north end of the building are generally consistent with the requirement for a child care center and private academic elementary school. Therefore, additional parking is not required. As a practical matter, the spaces required for the worship center 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 child care center and private academic elementary school.

#### ZONING/MASTER PLAN DESIGNATION

The subject property is located in the OCM-50/Office Commercial Medium zone. Section 4-1003(G) and Section 4-903(X) of the Zoning Ordinance allows a child day care center and a private academic elementary school in the OCM-50 zone only with a special use permit.

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

## **II. STAFF ANALYSIS**

Although staff is concerned that the applicant commenced operations prior to obtaining required approvals, staff supports the proposed child day care center and private academic elementary school located at 1400 Duke Street. Staff finds that the proposed child day care center and private academic elementary school is a community serving use that is appropriate for this large site and that would compliment the ongoing activities of the existing church and child care center on the first floor. Furthermore, sufficient parking is provided on-site. Staff does not anticipate that the school 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 for Early Childhood Development also has concerns about this program's failure to comply with state and local regulations by opening a child care center and private school without either a state license or Special Use Permit. Any conditions imposed on this SUP will require close monitoring by City staff. If this program complies with all City and state regulations, OECD has no objection to the approval of this Special Use Permit.

Staff has included two conditions requiring that the applicant maintain the arrangement to use the Nannie J. Lee Center at times when Heritage Park is not available and that the applicant must comply

with all Virginia Department of Social Services licensing requirements. In addition, staff has included a number of standard conditions and a condition requiring a review of the private school with child care center 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 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 and private elementary school at any one time shall be 120, subject to approval of the Licensing Division of the Virginia Department of Social Services. (P&Z)
4. 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)
5. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
6. All loudspeakers shall be prohibited from the exterior of the building. (T&ES)
7. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
8. The applicant shall maintain the four parking spaces near the entrance of the school for drop-off and pick-up for the children. (P&Z)

9. The applicant shall maintain an arrangement with the Nannie J. Lee Center to use the playground area for the child care center and private elementary school. (P&Z)
10. The child care center program must complete the state child care licensing process before they begin serving preschool age children at this site.(OECD)(P&Z)
11. A “fire-escape” plan should be posted in every class room by the exit doors. (Police)
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, 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: Richard Josephson, Acting Director, Department of Planning and Zoning;  
James Hunt, 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:

- R-1 All loudspeakers shall be prohibited from the exterior of the building.
- R-2 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- 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.
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials.(Sec. 5-1-99)

##### Code Enforcement:

- 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. 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 ; 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.
- C-8 If enrollment is kept to a maximum of 12 children at any one time, the facility may use home-style (semi-public restaurant) standards for food service.

Human Services:

- R-1 The program must complete the state child care licensing process before they begin serving preschool age children at this site.
- F-1 If children ages 3 and 4 are enrolled, the five (5) bathrooms identified in the space plan will accommodate only 100 children and staff will also share the facilities with children.
- F-2 The applicant shall designate a space for food preparation on-site and a refrigerator for perishable items.
- F-3 The applicant shall repair ceiling tiles and electrical outlets in utilized classrooms
- F-4 The Office for Early Childhood Development has concerns about this programs failure to comply with state and local regulations by opening a child care center and private school without either a state license or Special Use Permit. Any conditions imposed on this SUP, should the application be approved, will require close monitoring by City staff. If this program complies with all City and state regulations, OECD has no objection to the approval of this Special Use Permit.
- S-1 The program should document their plan to address the other issues that were identified in the original DHS comments, dated September 27, 2006.
- S-2 The program should develop a schedule of daily outdoor play to include:
- Location and transportation to the designated area;
  - A emergency plan for dealing with accidents and for communication with the school site;
  - Ratios that will ensure the safety of the children during transportation; and
  - Supplies such as first aid, materials and equipment and water
- S-3 The program should submit a schedule of bathroom times for the number of children in care using all five lavatories.

- C-1 Secure all entrances and exits within the various classrooms. There are at least three areas that are not in plain view of the classroom doorway, so that it will be difficult for the program to meet Standard 22VAC 15-30-430 F which states that “Children under 10 years of age always shall be within actual sight and sound supervision of staff,...” (ie. Before/after classroom stairway and window area, Art Room, and Pre-K classroom).

Police Department:

- R-1 A “fire-escape” plan should be posted in every class room by the exit doors.
- F-1 The Police Department completed a security survey of the center on September 27, 2006.
- F-2 There are numerous “cubby-hole” type hiding places throughout the center, it is therefore recommended that these such places be secured with some type of child safety gate.
- F-3 The Police Department has no objections to the center opening.
- S-1 The applicant should cover all electrical outlets not being used with socket protectors.
- S-2 The applicant shall replace all missing and torn ceiling tiles prior to occupancy.
- S-3 The applicant shall keep all storage closets and storage cabinets are locked and secured during hours of operation.
- S-4 It is highly recommended that the science lab instructor keep all hazardous materials locked in a storage closet at all times.
- S-5 All cable and electrical wiring not secured in the wall should be secured and covered prior to occupancy.
- S-6 The ceiling vent in room 102 (Spanish Language) needs to be repaired, it was hanging down.
- S-7 All apparatus that could cause tripping (vacuum cleaners) should be stored in a storage closet.

SUP #2006-0082  
1400 Duke Street

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