

CONSENT AGENDA ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Docket Item #2
SPECIAL USE PERMIT # 2007-0041

Planning Commission Meeting
September 6, 2007

ISSUE: Consideration of a request for a special use permit amendment to increase the number of children at an existing day care.

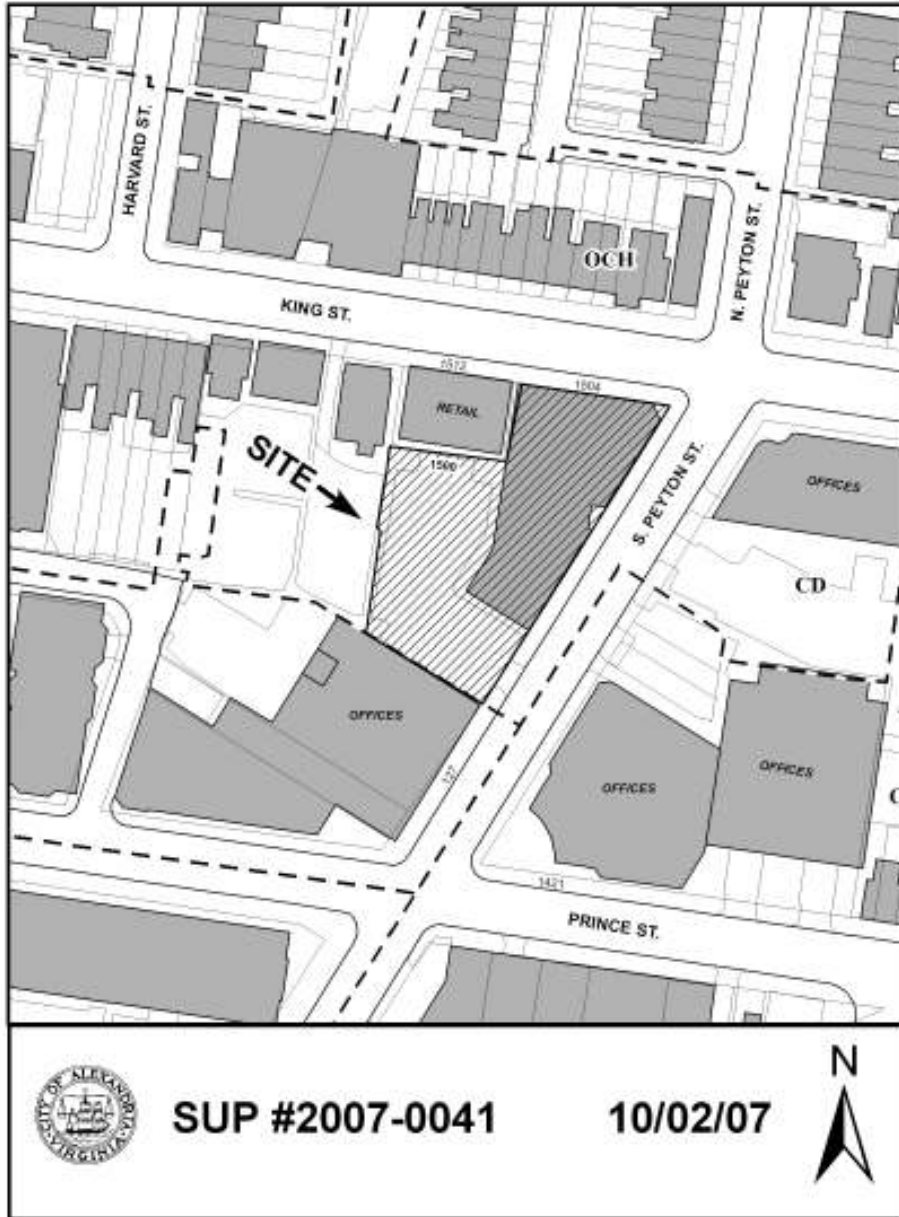
APPLICANT: K& L, LLC
By Jerry Pnevmatikatos

STAFF: Richard W. Bray
Richard.bray@alexandriava.gov

LOCATION: 1500 King Street

ZONE: KR/King Street Urban Retail

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.



SUP #2007-0041

10/02/07



I. DISCUSSION

REQUEST

The applicant, K and L, LLC, requests an amendment to an existing special use permit for the expansion of a day care located at 1500 King Street.

SITE DESCRIPTION

The subject property is a ground floor tenant space with 60 feet of frontage on South Peyton Street, 52 feet of depth and a total floor area of 2,978 square feet. The site is developed with a day care center. Access to the property is from South Peyton Street.

The surrounding area is occupied by office buildings with ground floor retail. Immediately to the north are business offices. To the south is the Old Town Sandwich Shop on the ground floor of an office building. To the east is an office building and associated parking. To the west is the future site of the Kimpton Hotel.

BACKGROUND

On September 16, 1989, City Council granted Special Use Permit #2277 to Dr. and Mrs. Mark Gordon allowing a child care facility for up to 12 children in Unit #105 at 1500 King Street.

On May 13, 1991, City Council granted Special Use Permit #2277-A allowing the child care facility to expand into an adjacent room, and to increase the number of children from 12 to 18.

On April 17, 1993, City Council granted Special Use Permit #2277-B to Tiny Tots Playroom, Inc., allowing the child care facility to expand into Unit #104 and to increase the number of children at the child care facility from 18 to 40.

On October 26, 1995, the Department of Planning and Zoning administratively approved Special Use Permit #95-0170, an ownership change of the child care facility from Tiny Tots Playroom Inc. to K & L, LLC. No other changes to the permit were made.

On March 15, 1997, City Council granted Special Use Permit #96-0173 to K & L, LLC allowing up to 60 children to be cared for.

On July 27, 2007, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.

On March 29, 2007 the Virginia Department of Social Services conducted an unannounced inspection of Tiny Tots Playroom. At the inspection there were several

violations noted including overcrowding. The inspector found 95 children present, the current SUP allows 60 children and the occupancy permit allows 65 people in the space. Tiny Tots reduced their enrollment and have been in compliance with both the SUP and occupancy permit since then.

PROPOSAL

The applicant proposes to increase the enrollment at the existing daycare from 60 to 77. The staff will increase by 3-4 people in order to maintain the ratios mandated by the Commonwealth. The play area that the children will use will be a private playground that the applicant is developing at 211 Commerce Street. There are no other proposed changes to the daycare center's operations. The center will continue to use the loading zone in front of the property for drop-off and pick-up of children. The peak drop-off and pick-up times are, 7:00 am to 9:30 am and 3:30 pm to 6:00 pm.

Hours: Monday – Friday, 7 am – 6:15 pm

Number of children: 77

Noise: The applicant has not had any noise complaints in the past, staff controls children's noise levels.

Trash/Litter: Trash is collected five times a week

PARKING

According to Section 8-200(A)(11) of the Zoning Ordinance, a day nursery requires two parking space for every classroom. A day nursery with four classrooms will be required to provide eight off-street parking spaces. The applicant is renting the required spaces from Shiloh Baptist Church at 1401 Duke Street. Shiloh Baptist has included the stipulation that the parking will not be available on days when funerals are to be held at the church. The applicant has formulated a contingency plan for staff parking on these days. On days when Shiloh Baptist has a funeral scheduled, the day care staff will be able to park at the applicant's school in Mount Vernon which has an abundance of parking. The applicant will use the center's bus to shuttle employees to work from Fairfax County. Additionally the applicant will subsidize transit fare on days when the parking lot is not available.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the KR/King Street urban retail zone. The KR zone does not allow day care operations on the ground floor. This use predates the creation of the KR zone and is allowed as a continuing non-conforming use.

The proposed use is inconsistent with the King Street/Eisenhower Avenue Small Area Plan chapter of the Master Plan which designates the ground floor of the property for retail, personal service and other pedestrian oriented uses.

II. STAFF ANALYSIS

Staff supports the amendment for increased children at 1500 King Street. There is a great demand for quality child care in Old Town. The applicant has provided child care at this location since 1995. According to the standards set by Virginia Social Services, the space that is currently occupied is sufficient to care for 77 children. Code Enforcement has indicated that with the proper life safety systems improvements, the allowable occupancy will be sufficient to allow 77 children and the necessary staff.

Staff recognizes the importance of adequate parking at this site and has received confirmation of the applicant's lease arrangement with Shiloh Baptist Church to provide the required eight spaces at 1401 Duke Street. Parents currently use the two loading spaces in front of the daycare for drop-off and pick-up and the applicant has indicated that parents will occasionally use one of the many metered spaces on the street as well if the loading zone is occupied.

Staff believes that an additional 17 children at this site will have minimal impact on the neighborhood. With the following 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&CD) (SUP #2277)
2. The room used as a sleeping or quiet area shall be labeled as "Quiet Room" on the door. (Code Enf.) (SUP #2277-A)
3. The day care center's hours of operation shall be limited to 7:00 A.M. to 6:15 P.M., Monday through Friday, as requested by the applicant. (SUP #2277-B)
4. **CONDITION AMENDED BY STAFF:** No more than ~~60~~ 77 children shall be permitted at the day care facility. (PC)
5. The applicant shall provide eight off-street parking spaces for use by employees of the center. (P&Z) (SUP #96-0173)

6. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the child care center. (Police)
7. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
8. **CONDITION ADDED BY STAFF:** 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)
9. **CONDITION ADDED BY STAFF:** 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 or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
10. **CONDITION ADDED BY STAFF:** The program shall monitor the number and ages of children in care on a daily basis, with the use of attendance charts, to ensure that they do not exceed their occupancy permit or licensing limits (Virginia Administrative Code-**22 VAC 15-30-100-A**). (Human Services)
11. **CONDITION ADDED BY STAFF:** The program shall not bring strollers for the outdoors directly onto the carpeted play space of the mobile infants. This may be accomplished by establishing a very clear area just inside the door for the strollers that is not accessible to the children (Virginia Administrative Code-**22 VAC 15-30-461-5**). (Human Services)
12. **CONDITION ADDED BY STAFF:** The program shall remove the excess furniture in the space (i.e. baby cribs and other equipment that is not being used) to allow for more useable space in the large front room and to ensure that there is 18 inches of space between the crib to help prevent the spread of communicable diseases. (Virginia Administrative Code-**22 VAC 15-30-510**). (Human Services)
13. 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, (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, Deputy Director, Department of Planning and Zoning;
Richard Bray, 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:

- R-1 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 or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- F-1 Provide provisions for drop-off and pickup of children. (T&ES)
- 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:

- F-1 The current occupancy for the daycare is **65**. An increase in occupancy will require a 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 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.
- F-2 On page - 3 of the submitted Special Use Permit Application the applicant states "*The premisses at one time were shared with a periodontist office, after his departure and modification of the space it can now accommodate 35 additional children.*" Additions and alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit (USBC 108.1). Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application (USBC 109.1).

Health Department:

F-1 No Objections

Human Services:

F-1 On Friday, July 27, staff from the office for Early Childhood Development joined representatives of Planning and Zoning and Code Enforcement in a site visit on Tiny Tots, Inc. at 1500 King Street, Suite 105. The Sup Coordinator from P&Z reported that Fairfax Licensing Office was in the midst of investigating violations of the fire code and occupancy permit limits and were also reviewing the provisions of the license granted to this center. For this reason, all comments below are subject to any limits that might be placed in the future on the license granted to this entity.

The original request was to increase in the number of children that may be served in the center from 60 to 95

Recommendations include:

- that the program provide and accurate measurement of the useable square footage at this site, by a licensed engineer, to determine the exact number of children and staff that may be allowed in the center at any one time. State licensing regulations require a minimum of 35 square feet for infants and 25 square feet for older children. (Virginia Administrative Code-**22 VAC 15-30-380-C**)
- that the program monitor the number and ages of children in care on a daily basis, with the use of attendance charts, to ensure that they do not exceed their occupancy permit or licensing limits (Virginia Administrative Code-**22 VAC 15-30-100-A**)
- that the program no longer bring strollers for the outdoors directly onto the carpeted play space of the mobile infants. This may be accomplished by establishing a very clear area just inside the door for the strollers that is not accessible to the children (Virginia Administrative Code-**22 VAC 15-30-461-5**).
- that the program remove the excess furniture in the space (i.e. baby cribs and other equipment that is not being used) to allow for more useable space in the large front room and to ensure that there is 18 inches of space between the crib to help prevent the spread of communicable diseases. (Virginia Administrative Code-**22 VAC 15-30-510**).

Parks & Recreation:

F-1 No Comment

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.

F-1 The Police Department has no objections to the child care facility increasing the amount of children from 60 to 95.

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