

Docket Item #7
SPECIAL USE PERMIT #2007-0064

Planning Commission Meeting
September 6, 2007

ISSUE: Consideration of a request for a special use permit to operate a daycare center.

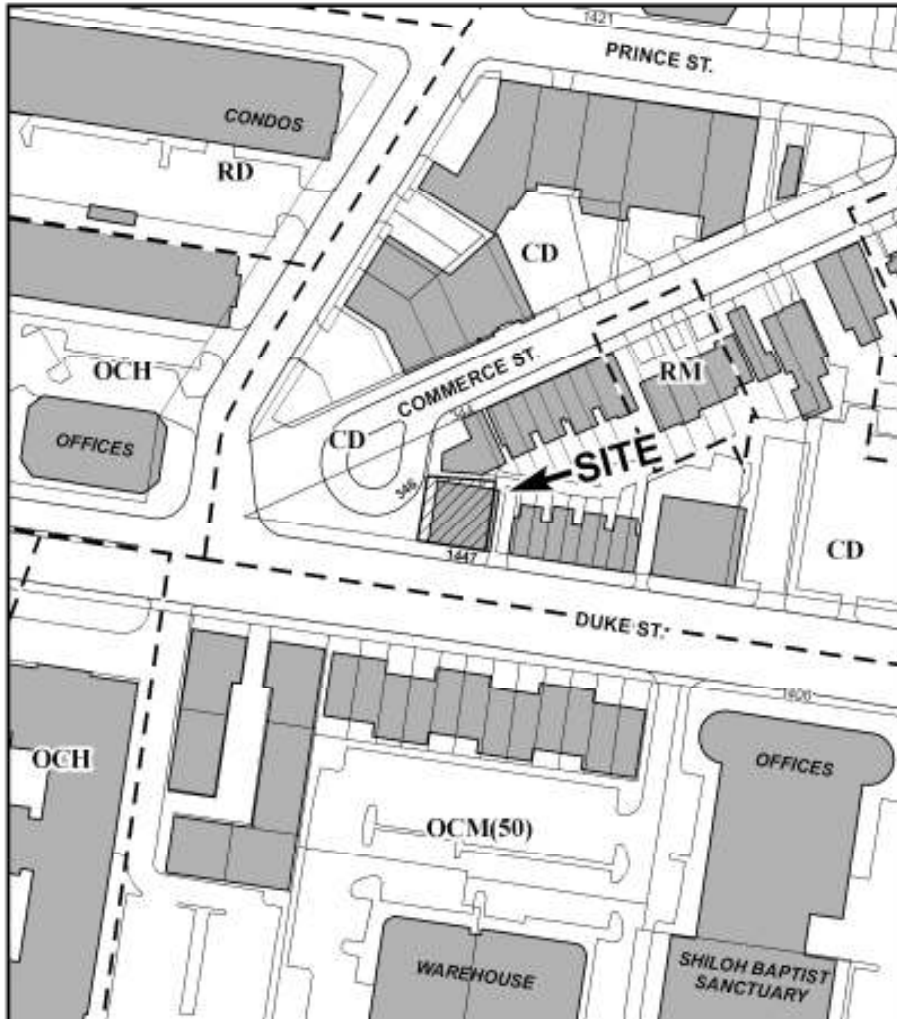
APPLICANT: J, S and Family

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

LOCATION: 1447 Duke Street, 346 Commerce Street & 211 Commerce Street

ZONE: CD/Commercial Downtown

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 #2007-0064

10/2/07



I. DISCUSSION

REQUEST

The applicant, J, S and Family, requests special use permit approval for the operation of a day care and private school located at 1447 Duke Street.

SITE DESCRIPTION

The subject property is one lot of record with 52 feet of frontage on Duke Street, 54 feet of depth and a total lot area of 2,943 square feet. The site is developed with a three story office building. Access to the property is from Duke Street and Commerce Street.

The surrounding area is occupied by a mix of residential and office uses. Immediately to the north are residential townhouses. To the south are townhouses developed with offices and residences. To the east are residential townhouses and to the west are offices.



BACKGROUND

On September 18, 1999, City Council granted Special Use Permit #99-0068 to St. Coletta's Private School for the operation of a private school with 45 students, located at 1447 Duke Street. The off street parking was provided at Shiloh Baptist Church.

On November 20, 2006, staff administratively approved Special Use Permit #2006-0099, a change of ownership to Shiloh Baptist Church.

The subject property is not currently occupied.

PROPOSAL

The applicant proposes to operate a day care and private school for 111 students in the building located at 1447 Duke Street. The applicant anticipates 37 staff members to care for children and provide administrative support. The center will care for children aged six weeks to 12 years old. The applicant proposes to construct a private playground at 211 Commerce Street as an accessory use to the day care.

Hours: 7:00 am – 6:00 pm, Monday – Friday

Number of children: 111

Noise: No anticipated noise impacts at 1447 Duke Street, the playground will have moderate noise levels from children playing outside

Trash/Litter: Trash will be collected three times per week, staff will ensure that the children do not contribute to litter

PARKING

According to Section 8-200(A)(11) of the Zoning Ordinance, a day care center requires two parking space for every classroom. A daycare center with nine classrooms will be required to provide 18 off-street parking spaces. The applicant is leasing 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 CD/Commercial Downtown zone. Section 4-503(G) of the Zoning Ordinance allows a day care center in the CD 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 a mix of retail, office, and service uses.

II. STAFF ANALYSIS

Staff supports the application for child care at 1447 Duke Street. There is a great demand for quality child care in the city. With its proximity to both Old Town and the Carlyle development this location will provide convenient child care to many Alexandria residents and workers.

Staff recognizes the potential for traffic impacts on Duke Street with this use. Transportation & Environmental Services supports a loading zone at the terminus of Commerce Street for drop-off and pick-up of children. Staff has included a condition forbidding the use of Duke Street for purposes of drop-off and pick-up and a condition requiring the applicant to submit a comprehensive plan for managing the drop-off and pick-up of children to Planning & Zoning.

The applicant has acquired the property at 211 Commerce Street to use as a playground for the children. This playground will be utilized by this daycare center and the Tiny Tots Playroom that the applicant operates at 1500 King Street. Although the proposed playground is approximately 800 feet from the subject property staff believes that this will be an acceptable site for a playground as the route is relatively free of traffic.

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&Z)
2. No more than 111 children shall be permitted at the day care facility. (P&Z)
3. The hours of operation of the daycare center shall be limited to Monday through Friday, 7:00 am – 6:00 pm. (P&Z)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. 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)
6. 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)
7. Duke Street may not be used for the purpose of dropping off or picking up children from the center. (P&Z)
8. Legal parking spaces or the designated loading zone must be used when dropping off or picking up children from the center. (P&Z)
9. The applicant must submit a comprehensive plan for the management of drop-offs and pick-ups to the satisfaction of the Director of Planning & Zoning prior to issuance of an occupancy permit. (P&Z)
10. The outdoor play area located at 211 Commerce Street may not be used before 9:00 am. (P&Z)

11. 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)
12. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
13. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
14. 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 facility opening for business. (Police)
15. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for employees. (Police)
16. The Director of Planning and Zoning shall review the special use permit after it has been operational for six months and again after 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 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. (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:

- F-1 Staff supports the proposed loading zone from the cul-de-sac on Commerce Street. Loading zone will operate between 7-9:30 AM and 3:30-6PM. However, staff does not support the loading zone from Duke Street for the proposed day care facility.
- 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)
- R-2 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-3 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (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 use is classified as E; the proposed use is I-4. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 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.

- F-2 The applicant shall submit a detailed floorplan, outlining dimensions of the proposed space to be used and any and all fire protection systems currently in place.
- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-3 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.

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 Service 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 the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. A \$135.00 fee is required for plans review of 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.

BAR:

- F-1 The subject property is located in the Old and Historic Alexandria District and is under the jurisdiction of the Old and Historic Alexandria Board of Architectural Review (BAR). The request for a SUP for child day care uses at 1447 Duke Street does not appear to indicate any proposed exterior changes to the building at this time that would require a review by the BAR and the issuance of a Certificate of Appropriateness. The applicant is reminded that any future exterior changes, including new or replacement signage, lighting, window replacement, fencing, kitchen exhaust and/or new HVAC vents or fixtures, or other alterations visible from a public right-of-way would need to be submitted for review and approval by the BAR staff and the Board of Architectural Review. It is the applicant's responsibility to inform BAR Staff when new signage, lighting, or other external alterations are proposed which require BAR review and approval.

Parks and Recreation:

- F-1 No comment.

Human Services:

- S-1 On Friday, July 27, 2007, representatives from the office for Early Childhood Development accompanied representatives of Planning and Zoning and Code Enforcement to 1447 Duke Street, which is the proposed site for Tiny Tots II.

Staff from the Office for Early Childhood Development recommended that the applicant:

- Review with state licensing and code enforcement the more restrictive requirements for a child development center for children below the age of 2.5 years;
- Work with an engineer and/or architect to create a detailed floor plan for the proposed use;
- Determine the additional cost (if any) of adapting this site to serve infants and the number of infants that site will accommodate;

- Based on the above information, determine the feasibility of operating a child care center in this location; and
- Work with Planning and Zoning to explore options for staff parking and pick-up and drop-off procedures in the circle drive in front of the building.

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 facility opening for business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for employees.

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