

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 #3
SPECIAL USE PERMIT #2007-0098

Planning Commission Meeting
November 8, 2007

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

APPLICANT: Mossammat Khatun

STAFF: Allison Anderson
Allison.anderson@alexandriava.gov

LOCATION: 5220 Fillmore Avenue

ZONE: R-12/Residential

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.



I. DISCUSSION

REQUEST

The applicant, Mossammat Khatun, requests special use permit approval for the operation of a child care home located at 5220 Fillmore Avenue.

SITE DESCRIPTION

The subject property is one lot of record with 50 feet of frontage on Fillmore Avenue, 295 feet of depth and a total lot area of 12,227 square feet. The site is developed with a single family detached home. Access to the property is from Fillmore Avenue.



The surrounding area is occupied by a mix of residential and institutional uses. Immediately to the north and south are single family homes. To the east is a church and to the west is another single family home.

PROPOSAL

The applicant is proposing to operate a child care home at 5220 Fillmore Avenue. Ms. Khatun is anticipating having two full time employees present. There is over 600 square feet of play area provided in the back yard. The applicant is making landscaping improvements and installing play equipment. The applicant is not currently caring for any children in her home, but has received a Child Care License, issued by the Virginia Department of Social Services.

Hours: Monday – Saturday, 6:00am – 8:00pm

Number of children: 9

Age of Children: Infant – 12 years

Noise: Children’s noise levels will be controlled by the applicant.

Trash/Litter: City trash collection

PARKING

Fillmore Drive has on-street parking available on both sides of the street for the entire block containing the applicant’s home. The applicant also has a two car driveway that will be used for picking up and dropping off of children.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the R-12 zone. Sections 3-202 and 7-500 of the Zoning Ordinance allow a child care home in the R-12 zone only with a special use permit.

The proposed use is consistent with the Alexandria West Small Area Plan chapter of the Master Plan which designates the property for residential use.

II. STAFF ANALYSIS

Staff has no objection to the proposed child care home located at 5220 Fillmore 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), recommends approval of the application. The applicant has outfitted the home with child care and safety equipment and is making improvements to the back yard in anticipation of providing child care.

At of October 25, 2007, there was a stop work order posted on the home. The applicant is in the process of obtaining permits in order to add a bedroom, closet and bathroom. Staff is adding a condition requiring that construction be complete and the occupancy permit issued prior to commencing operation of the child care home.

Fillmore Avenue is a local street, with on-street parking. Staff anticipates that there will be parking available at staggered times when parents drop off and pick up children. Staff has included a condition requiring children to be escorted to and from the parent's vehicles if no parking is available. This will keep parents from double-parking their cars on Fillmore Avenue. The applicant is also planning to make the two car driveway available for parents to pick up and drop of their children.

An occupancy permit and State license are both required for the facility before opening.

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. The hours of operation of the child care home shall be limited to between Monday – Saturday, 6:00am – 8:00pm. (P&Z)

3. The applicant shall complete construction of the addition to the home and obtain all appropriate occupancy permits prior to commencement of the child care home. (P&Z)
4. The applicant shall obtain a license from the Virginia Department of Social Services. (P&Z)
5. The applicant or an assistant must be available to escort children to and from the parent's cars in the event that parking is not available in the driveway or on Fillmore Ave. Parents shall not be permitted to double-park their cars on Fillmore Ave while dropping off or picking up children. (T&ES)
6. The applicant may care for up to nine (9) children, pending compliance with other departments' recommendations and other limitations of local and state regulations. (Human Services)
7. 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 home. This is to be completed prior to the child care home opening for business. (Police)
8. 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 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;
Allison Anderson, 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 or an assistant must be available to escort children to and from the parent's cars in the event that parking is not available in the driveway or on Fillmore Ave. Parents shall not be permitted to double-park their cars on Fillmore Ave while dropping off or picking up children.
- 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.

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 Comment

Human Services:

- F-1 Site visit to review the request for a Special Use Permit (2007-0098) to provide child care services at 5220 Fillmore Avenue was completed on 9/19/07.

Mr. Munshi Akkas and Ms. Mossamat Khatun, husband and wife, wish to be allowed to care for more than five children at one time in their two bedroom house in the west end of the city. Ms. Khatun was issued a Child Care License by the Virginia Department of Social Services Division of Licensing Programs on July 9, 2007.

There is a two car driveway and Mr. Akkas says that he parks his car on the street. This should give parents safe access to drop off and pick up children. The street leads into the parking area of Northern Virginia Community College, and there is a fair amount of traffic into and out of the school, so parents will have to take care pulling in and out of the driveway.

The small house has already been outfitted with child care equipment, toys, cribs and their purchases show much thought on the part of the couple. The rooms designated for child care are small, but with both adults present, they should be able to manage nine children. The rooms designated are a living room, and both bedrooms, one of which has two cribs and the other has one and some mats and cots for napping plus space for play. Ms. Khatun and her husband have already bought safety gates, and socket covers, and cleaning products are kept out of reach of children. The couple has a fully equipped first aid kit and will use universal precautions when diapering. There is a changing table right near the bathroom for washing hands and toileting.

There is safe outdoor space for play and a screened in patio that now has a child's slide. There are also some riding toys. Mr. Akkas says that they will be doing work in the backyard with a landscaper to increase the amount of safe play space in the fenced yard, including adding a playground set. Both providers should supervise outdoor play.

The home appears to comply with all health and safety regulations and provides sufficient space, both inside and out, to accommodate nine children.

- R-1 Approval of Ms. Khatun's special use permit application to allow her to care for up to nine (9) children, pending compliance with other departments' recommendations and other limitations of local and state regulations. The applicant has already complied with state licensing requirements.

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 home. This is to be completed prior to the child care home opening for business.

SUP #2007-0098
5220 Fillmore Avenue

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