

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 # 5
SPECIAL USE PERMIT #2007-0101

Planning Commission Meeting
November 8, 2007

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

APPLICANT: Ruth Walker

LOCATION: 611 S. Alfred Street

ZONE: RB/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, Ruth Walker, requests special use permit approval for the operation of a child day home located at 611 S. Alfred Street, Unit #601.

SITE DESCRIPTION

The subject property is one lot of record with 200 feet of frontage on S. Alfred Street, 217 feet of depth and a total lot area of 38,209 square feet. The site is developed with the Old Town West townhouse development. The subject site is a townhouse that faces S. Alfred Street.



The surrounding area is occupied by a mix of residential and retail uses. Immediately to the north are the Old Town West Apartments. To the south are townhouses. To the east are offices and parking lots and to the west is Route 1.

BACKGROUND

On October 19, 2002, City Council granted Special Use Permit #2002-0078 to the applicant for the operation of a child day home. The hours approved at that time were: 6:00am – 6:00pm Monday through Friday for no more than nine children, 6:00pm – 6:00am for no more than five children and 24 hours of operation on Saturday and Sunday for no more than 5 children. The applicant was unable to find an assistant and was not able to obtain a child care license from the state. The SUP subsequently expired.

PROPOSAL

The applicant proposes to care for nine children in her home as follows:

- Hours: Daily, 6:30 a.m. – 6:30 p.m.
 Daily, overnight 6:30 p.m. – 6:30 a.m.
- Number of children: 9
- Age of children: 6 weeks to 12 years
- Noise: The applicant does not anticipate any noise.
- Trash/Litter: City trash service

PARKING

The applicant is anticipating that parents will drop their children off at the front entrance of the home on South Alfred Street. On-street parking is available on the west side of the street, but is limited. The applicant is also able to provide pick up and drop off in the parking lot located behind her home.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the RB zone. Section 3-703 of the Zoning Ordinance allows a child day home in the RB zone only with a special use permit.

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

II. STAFF ANALYSIS

Staff is in support of the expansion of the child care home located at 611 South Alfred Street. The applicant has been licensed to operate a child care home since 1995 and is currently caring for five children. The applicant lives in a clean, neat, well-maintained two level three-bedroom home that is a privately owned, publicly assisted unit. The applicant has arranged her space so that there is adequate room to accommodate nine children. There is an on-site playground. The applicant indicates that she will also walk with the children to a playground located near her home.

The applicant is proposing to provide child care 24 hours a day, seven days a week. The Zoning Ordinance requires that no child be cared for in a continuous 24 hour period. Staff recognizes that there is a great need for child care, including overnight care. The applicant's past history of overnight care has not generated any complaints regarding noise or any other issue. Due to the applicant's history of providing care without complaint, staff is in agreement with the Office of Early Childhood Development and is recommending approval of the special use permit.

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 child shall be under care for a continuous 24 hour period. (P&Z)
3. The applicant shall obtain a license from the Virginia Department of Social Services. (P&Z)
4. Approval of the Special Use Permit for no more than nine children, twenty four hours a day and seven days a week pending compliance with other departments' recommendations and the licensing and registration requirements and other limitations of local and state regulations, and on the condition that she always has the help of an assistant who has clearances and has been trained and certified in First Aid and CPR procedures whenever more than five children are in care. (Human Services)
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 on S. Alfred St. Parents shall not be permitted to double-park their cars on S. Alfred St while dropping off or picking up children. (T&ES)
6. 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)
7. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery readiness program for employees. (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 on S. Alfred St. Parents shall not be permitted to double-park their cars on S. Alfred St while dropping off or picking up children. (T&ES)

Code Requirements:

- 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 An evacuation plan shall be posted.

Health Department:

- F-1 No Comment

Human Services:

- F-1 Ms. Ruth Walker of 611 S. Alfred Street #601 has been a successful registered and agency approved family child care provider since May 1995. Her current child care permit expires on November 30, 2007. She is allowed to care for five children.

Ms. Walker wishes to expand her child care business and be able to care for up to nine children. Ms. Walker was granted a special use permit several years ago but did not follow through with becoming state licensed since she was unable to find an appropriate assistant. Her sister has agreed to be her assistant so she is once again applying for a Special Use Permit. Ms. Walker is registered to attend an orientation on October 18, 2007 to become state licensed.

Ms. Walker lives in a clean, neat, well-maintained two level three-bedroom home that is an ARHA public housing unit. Although her home is not spacious, Ms. Walker has arranged her space so that there is adequate room to accommodate nine children. She will use her living room and dining room as the primary child care areas and is considering moving both of her cribs to a second story bedroom in order to provide more space downstairs. Ms. Walker understands that if she decides to use both levels of her home, the children must be supervised by an adult at all times. There is an on-site playground outside her backdoor which is usable with proper and constant supervision by Ms. Walker and an assistant. Ms. Walker says she will also walk with the children to a playground located near her home.

Ms. Walker originally planned to operate her child care business Monday-Friday from 6:30 a.m. – 6:30 a.m. providing both daytime and night time care. In the beginning, Ms. Walker thought she would not do week-end care but has since changed her mind. Ms. Walker now states that she wishes to be approved for nine children, twenty four hours a day and seven days a week. Ms. Walker indicates that she has thought through the issues related to the demands of extended childcare and will use her assistant whenever she needs to take care of personal business. Ms. Walker also says that she has fifteen years of experience as a childcare provider and has learned to monitor her stress levels and knows when to take a vacation. A review of Ms. Walker's record shows that she does, indeed, recognize when she is feeling burned out or in need of a break and has called the Office for Early Childhood Development to inform them that she is taking personal or vacation days. Ms. Walker also plans to enroll in the USDA child nutrition program.

- R-1 Approval of the Special Use Permit for no more than nine children, twenty four hours a day and seven days a week pending compliance with other departments' recommendations and the licensing and registration requirements and other limitations of local and state regulations, and on the condition that she always has the help of an assistant who has clearances and has been trained and certified in First Aid and CPR procedures whenever more than five children are in care.

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

SUP #2007-0101
611 S. Alfred Street

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