

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 #2008-0021

Planning Commission Meeting
May 6, 2008

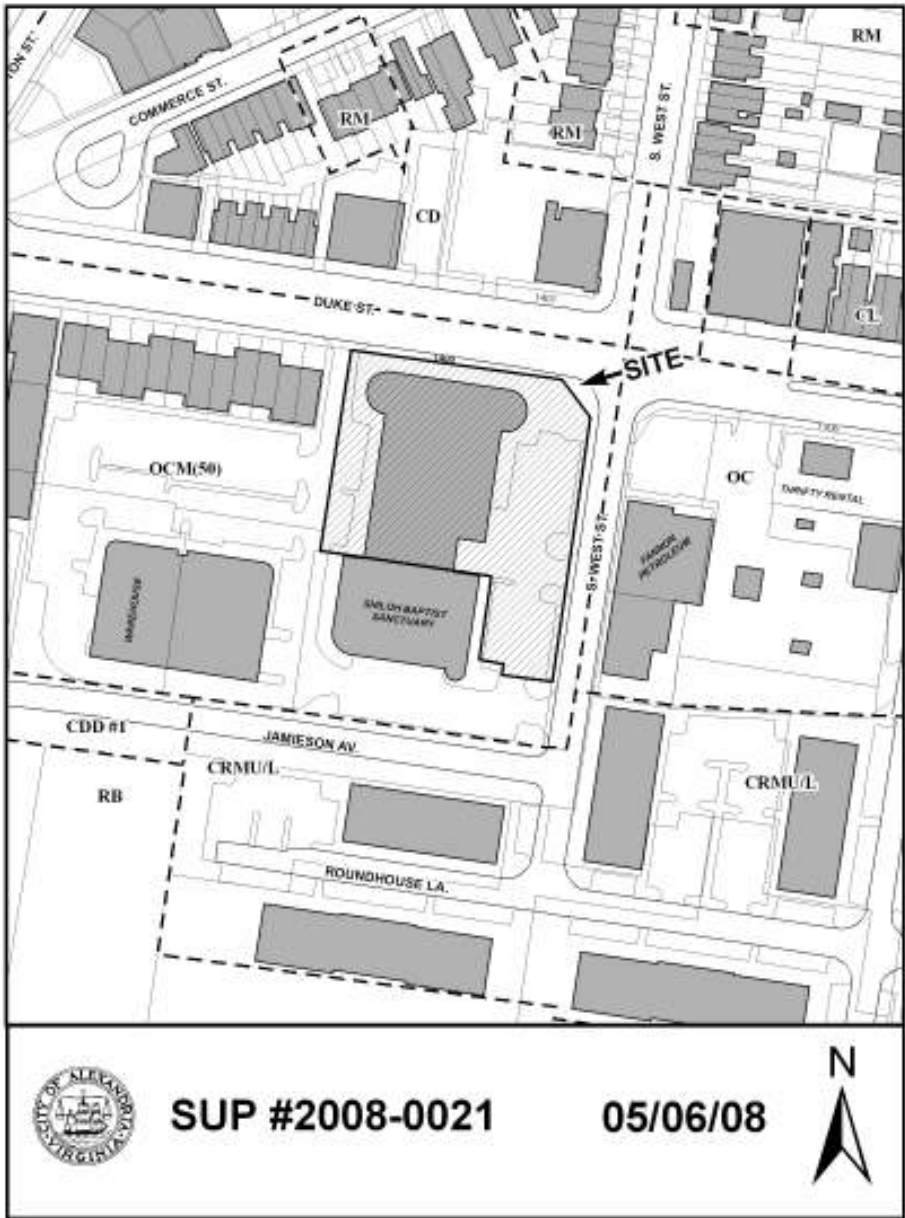
ISSUE: Consideration of a request for a special use permit to operate a child care center and a private school.

APPLICANT: Jerry Pnevmatikatos, d.b.a. J, S and Family, LLC

LOCATION: 1400 Duke Street

ZONE: OCM(50)/Office Commercial Medium

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, J, S and Family, requests special use permit approval for the operation of a child 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 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. 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.



BACKGROUND

On March 18, 1995, City Council granted Special Use Permit #95-0391 for the expansion of an existing commercial school on the subject property. On May 16, 1998, City Council granted Special Use Permit #98-0035 for the further expansion of the commercial school. On September 20, 2005, City Council granted Special Use Permit #2005-0074 for the operation of the Happy Home child learning center in a portion of the subject property. On November 18, 2006, City Council granted Special Use Permit #2006-0082 for the operation of the Agape Christian Academy which currently occupies the subject tenant space.

PROPOSAL

The applicant proposes to operate a day care center and private school for children six weeks to 14 years in age. The applicant intends to have up to 196 children in the facility, based on State Licensing square foot per child requirements. The center will have 50 staff members and operate from 7:00 am to 6:00 pm, Monday through Friday. The children will use the African American Heritage Park for the play area and the applicant's playground at 211 Commerce Street in event of a conflict with Happy Home's use of Heritage Park.

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

Number of children: 196

Number of staff: 50

Noise: Staff will control noise levels to avoid impacting surrounding uses

Trash/Litter: Trash to be collected twice a week, staff will patrol the site for litter

PARKING & DROP-OFF/PICK-UP

According to Section 8-200(A)(11) of the Zoning Ordinance, a day care requires two parking spaces for every classroom. A day care with seven classrooms will be required to provide 14 off-street parking spaces. The applicant has proposed to provide 20 on-site parking spaces that the church is not currently using during the hours proposed by the applicant. The applicant also proposes to allocate eight of the 20 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 applicant and the church sanctuary and its related meeting and office activities. 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, allowing the church to allocate 20 spaces to the child care center during peak pick-up and drop-off hours at the proposed child care center.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the OCM(50) zone. Section 4-903(H) of the Zoning Ordinance allows a day care center in the OCM(50) zone only with a special use permit.

The proposed use is consistent with the King Street Metro/Eisenhower Avenue Small Area Plan chapter of the Master Plan which designates the property for general office and commercial uses.

II. STAFF ANALYSIS

Staff supports the request to operate a day care and finds that the proposed child care center 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.

Although supportive staff wishes to ensure that the number of children cared for at this facility does not exceed the number allowed by either the building code or the State Licensing regulations. To this end, staff has included conditions requiring that the facility obtain state licensing as well as a new certificate of occupancy with the appropriate use classification, prior to operation.

Staff has included standard conditions requiring employees to use off-street parking and encouraging the use of public transportation and car pooling. The applicant has indicated that the majority of employees utilize public transportation.

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 shall be limited to between 6:00 am and 7:00 pm, Monday through Friday. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The maximum number of children permitted at the child care facility and private school at any one time shall be 196, subject to approval of the Licensing Division of the Virginia Department of Social Services. (P&Z)
5. 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)
6. 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)
7. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
8. The applicant shall formulate a drop-off and pick-up plan to the satisfaction of the directors of T&ES and P&Z, the plan shall include at least eight parking spaces at the entrance of the day care center. (P&Z)
9. The child care center must obtain the appropriate Certificate of Occupancy prior to commencing operations. (P&Z)

10. The child care center program must complete the state child care licensing process prior to commencing operations. (P&Z)
11. All loudspeakers shall be prohibited from the exterior of the building. (T&ES)
12. Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
13. 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)
14. A "fire-escape" plan should be posted in every class room by the exit doors. (Police)
15. 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 center opening for business. (Police)
16. 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, 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 All loudspeakers shall be prohibited from the exterior of the building. (T&ES)
- R-2 Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
- R-3 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:

- C-1 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.
- C-2 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-3 Construction permits are required for this project. Plans shall accompany the permit application that fully details the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-4 Any proposed future alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

- C-5 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 116.1.
- C-6 Building Code Analysis: The following minimum building code data is required on the drawings: a) use group, b) number of stories, c) construction type, d) tenant area.
- C-7 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 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-8 The proposed use constitutes a change in use group classification. New Certificates of Occupancy are required (USBC 116.1). The space contains mixed uses and each certificate must specify use group, type of construction, and occupant load (USBC 116.2).
- C-9 The current use is classified as E- Educational ; the proposed use is an I-4 Institutional. 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.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 A Certified Food Manager 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.

Parks & Recreation:

- F-1 No Comments

Human Services:

- S-1 A representative of the Department of Human Services made a site visit to the 1400 Duke Street location to review changes requested by the SUP application submitted on February 26, 2008. The applicant requested the following changes:
 - 1) expand the ages of children in care from 3 to 12 years of age to 6 weeks to 14 years of age; and
 - 2) increase total occupancy from 120 children to 196 children and from 20 staff members to 50 staff members .
- R-1 As a result of the site visit, it is recommended that:
 - 1) the evacuation plan from the second floor for children between 6 weeks to 2 years of age be carefully reviewed for safety by the fire marshal;
 - 2) the number of toilets allotted for adults and children meet licensing standards;
 - 3) the available “useable” square footage meets licensing requirements for the number of children to be cared for in this facility; and
 - 4) code enforcement review the plan to change the designation of this site from educational to institutional to ensure the safety of children 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 center. This is to be completed prior to the child care center opening for business.

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