

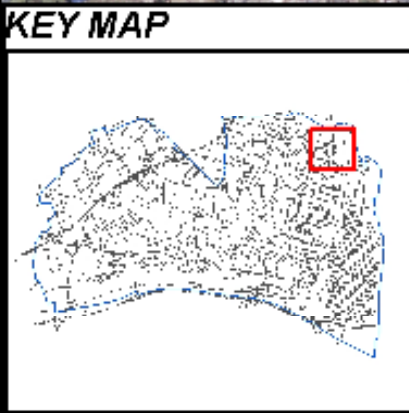
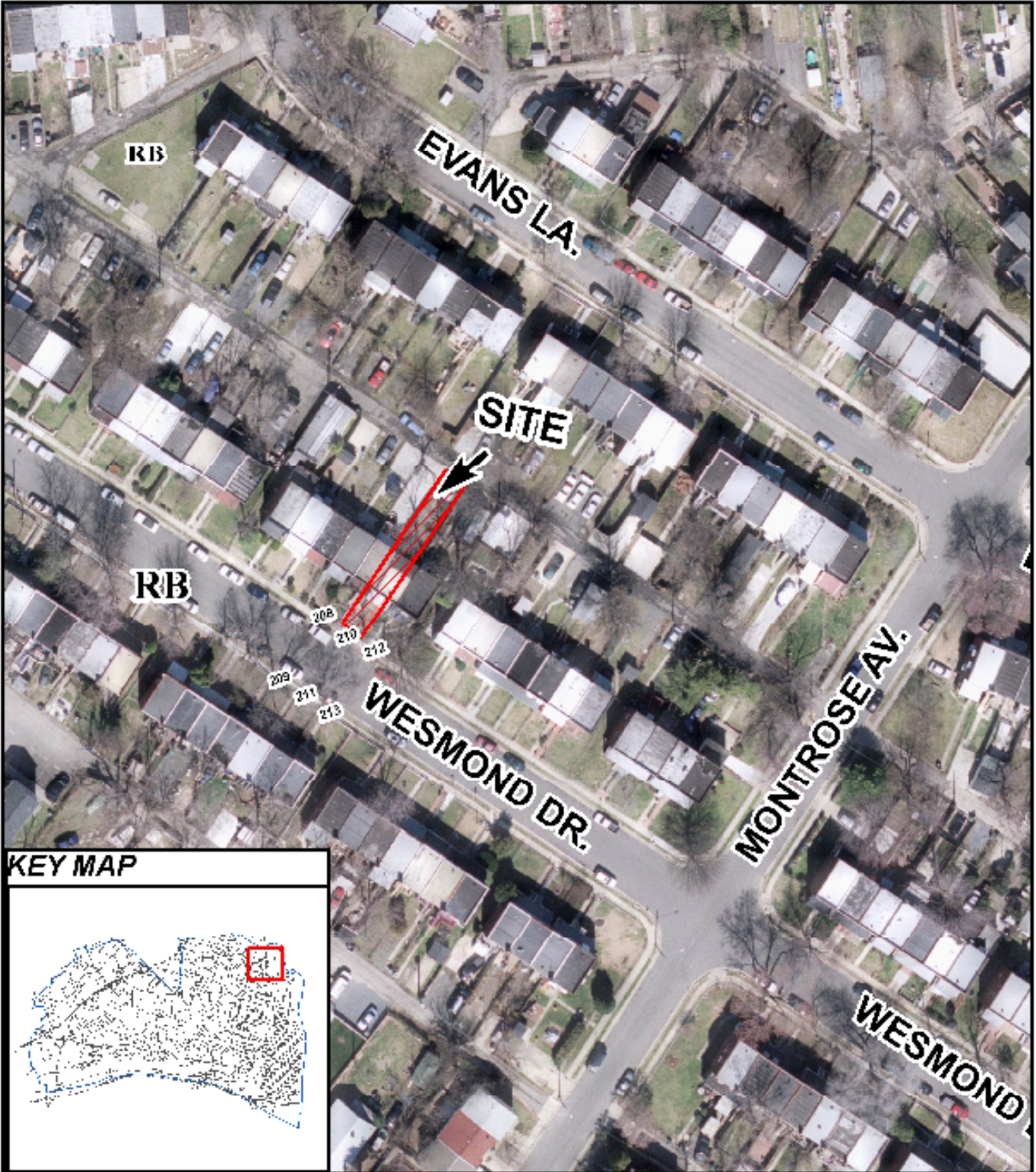
DOCKET ITEM #2
Special Use Permit #2008-0074
210 Wesmond Drive – Child Care Home

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.

Application	General Data	
Request: Consideration of a request for a special use permit to operate a child care home.	Planning Commission Hearing:	December 2, 2008
	City Council Hearing:	December 13, 2008
Address: 210 Wesmond Drive	Zone:	RB/Townhouse
Applicant: Darnella and James Shelby	Small Area Plan:	Potomac West

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.
Staff Reviewers: Eileen Oviatt Eileen.oviatt@alexandriava.gov
Planning Commission Action:
City Council Action:



SUP #2008-0074

12/02/08



I. DISCUSSION

REQUEST

The applicant, Darnella and James Shelby, request special use permit approval for the operation of a child care home located at 210 Wesmond Drive.

SITE DESCRIPTION

The subject property is one lot of record with 16 feet of frontage on Wesmond Drive, 117.5 feet of depth and a total lot area of 1,880 square feet. The site is developed with a townhouse dwelling. Surrounding the subject property are other townhouses. Bordering the rear of the property is an alley.

BACKGROUND

On November 16, 2002, City Council granted Special Use Permit #2002-0090 for the operation of a child care home for up to nine children. Prior to approval of the 2002 SUP, the applicant was caring for five children in their home, which is a permitted use and does not require a special use permit. The applicant did not implement the approved SUP#2002-0090, and has continued to care for five children.



PROPOSAL

The applicant proposes to provide child care for up to nine children in the existing residence according to the following:

Hours: Monday through Friday, 7:00 a.m. – 5:00 p.m.

Number of children: Current: 5 children (no SUP required)
Proposed: 9

Noise: No noise impacts anticipated

Trash/Litter: The applicant does not expect the amount of trash to exceed one city trash container that will be collected once per week.

PARKING

The zoning ordinance does not require parking for child care homes. On-street public parking spaces are available in front of the applicant's home on both sides of Wesmond Drive. The applicant anticipates that parents will park in front of the day care home to pick up and drop off their children.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the RB/Townhouse zone. Section 7-500 of the Zoning Ordinance allows a child care home in the RB zone only with a special use permit.

The proposed use is consistent with the Potomac 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 210 Wesmond Drive. 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 states that the applicant has been an approved provider with the City of Alexandria since 1996.

Adequate open space is provided on site. In addition, there are two City parks located in the vicinity of the child care home. The applicant escorts the children to the park to ensure their safety in crossing the street. Because the children are frequently at the park, noise at the residence should not be a significant issue.

Although off-street parking is not available to accommodate parents dropping off and picking up children, on-street parking is available on both sides of Wesmond Drive. In addition, parents will likely drop off or pick up their children at slightly different times, staggering the demand for parking and reducing the overall impact of additional cars associated with this use.

Staff recommends approval of the proposed child care home subject to the recommended conditions.

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 7:00 a.m. and 5:00 p.m., Monday through Friday. (P&Z)
3. This special use permit shall not be effective unless and until the child care home for up to nine children is licensed by the Virginia Department of Social Services. (P&Z)
4. 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. (Police)
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 Wesmond Drive. Parents shall not be permitted to double-park their cars on Wesmond Drive while dropping off or picking up children. (T&ES)
6. 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;
Eileen Oviatt, 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 Wesmond Drive. Parents shall not be permitted to double-park their cars on Wesmond Drive 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 Sites visits to review the request for a Special Use Permit, #2008-0074, to provide child care services at 210 Wesmond Drive, Alexandria, VA 22305, were completed on 10/7/2008 and 10/14/2008. Provider's Name: Darnella Shelby.

Mrs. Shelby has lived on this neighborhood for over 30 years; she has been an approved provider with the City of Alexandria since 1996. Her CPR and First Aid trainings are current. Mrs. Shelby has enjoyed coming to a variety of trainings, especially those in relation to children's emotional and behavior development. She was approved for a Mini-Grant one year and she used that credit to buy books, shelves, puzzles, dominos games, and a bunk-bed. The Department has never received a complaint from a parent or a CPS complaint.

Mrs. Shelby will use her home's first and second level for her child care services. She has a front study room that she uses for homework, reading, coloring, and painting activities. There is also a closet to be used for children's belongings.

Upstairs, on the second level, Mrs. Shelby has two bedrooms, which will be used for napping/sleeping. Currently, she has three cribs and a bunk-bed for children over eight-years old. There is also one full bathroom on this level. Mrs. Shelby has all proper materials and equipment for potty-training in the bathroom.

There is a lower level, the basement, but Ms. Shelby has stated that it will not be used for childcare and will not be accessible to children.

There is a 6 foot fence all around the backyard. There was an underground opening area that this worker asked Ms. Shelby to seal. Another site visit was conducted on 10/14/2008. Mrs. Shelby had bought wood material and had glued it to cover the opening. She also had bought plastic plug covers for the electrical outlets; they were all sealed at time of this visit.

Mrs. Shelby plans to operate her business between the hours 7:00 am – 5:00 pm, Monday – Friday for children birth to age 13. She plans to have her husband attend all trainings with the City of Alexandria so he will qualify to become her assistant.

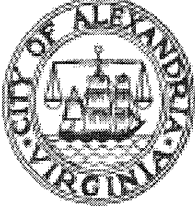
- R-1 This worker is recommending approval of Mrs. Shelby's special use permit to allow her to care for up to nine (9) non-resident children, pending compliance with other department's recommendations and subject to the licensing and registration requirements and other limitations of local and state regulations.

Parks and 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.
- R-2 The applicant is advised to cover all electrical outlets with socket protectors.
- F-1 The Police Department has no objections to the child care facility increasing its number of children.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2008-0074

PROPERTY LOCATION: 210 Westmond Drive

TAX MAP REFERENCE: 016.03-03-22 **ZONE:** RB

APPLICANT:

Name: Darnella + James Shelby, Sr

Address: 210 Westmond Drive

PROPOSED USE: Family Day Care

THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

<u>Darnella + James Shelby</u>	<u>Darnella B. Shelby</u>	<u>9/22/08</u>
Print Name of Applicant or Agent	Signature	Date
<u>210 Westmond Dr.</u>	<u>571-431-6662</u>	
Mailing/Street Address	Telephone #	Fax #
<u>Alexandria, VA 22305</u>	<u>Shelby, Darnella @ Yahoo. Com</u>	
City and State	Zip Code	Email address

ACTION-PLANNING COMMISSION: _____	DATE: _____
ACTION-CITY COUNCIL: _____	DATE: _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 210 Westmond Drive, Alexandria, VA, I hereby
(Property Address)

grant the applicant authorization to apply for the Family Daycare use as
(use)

described in this application.

Name: Darnella & James Shelby, Sr
Please Print

Phone: 571-431-6662

Address: 210 Westmond Drive

Email: shelbydarnella@yahoo.com

Signature: Darnella G. Shelby
James Shelby Sr

Date: 22 Sept. 2008

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. The applicant is the (check one):

Owner

Contract Purchaser

Lessee or

Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

Darnella & James Shelby 100% Owners

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

Yes. Provide proof of current City business license

No. The agent shall obtain a business license prior to filing application, if required by the City Code.

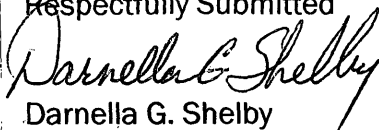
NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

The reasons that we am applying for the Special Use Permit are as follows:

1. I wish to increase the number of children in our home daycare facility. Currently, I care for five children. I have the space for at least 4 more children. My husband and I are the only ones living in this household and we do have the space during the day for 4 more children.
2. Caring for children' is a passion for us and we have lots of love for them and their families. Our goal is to produce happy and healthy kids. We serve them three meals a day, which allows parents quality time with their children once they take them home.
3. My hours of operation will be 7:00 a.m. until 5:00 p.m., Monday-Friday. ~~My number of patrons will increase at least by two.~~
4. Due to nature and structure of our activities, I do not anticipate a significant increase in the noise level. Furthermore, I currently take the children to the neighborhood parks for daily 45 minutes session (weather permitting).
5. In summary, this application for a Special Use Permit is to increase my family daycare facility's capacity from five children to nine children. My facility's space, street parking, and even the noise level will virtually remain the same.
6. If this application is granted I will be able to provide an overall higher quality of service that will reach even more children within the City of Alexandria...

Respectfully Submitted


Darnella G. Shelby

USE CHARACTERISTICS

4. The proposed special use permit request is for (check one):
- a new use requiring a special use permit,
 - an expansion or change to an existing use without a special use permit,
 - an expansion or change to an existing use with a special use permit,
 - other. Please describe: _____

5. Please describe the capacity of the proposed use:
- A. How many patrons, clients, pupils and other such users do you expect?
Specify time period (i.e., day, hour, or shift).

9 Children total: 2 infants 2 Toddlers (7am - 5pm M-F)
5 School age (7am to 8am and 3pm to 5pm M-F)

- B. How many employees, staff and other personnel do you expect?
Specify time period (i.e., day, hour, or shift).
- 2 Employees (7am to 5pm)

6. Please describe the proposed hours and days of operation of the proposed use:

Day: <u>Monday</u>	Hours: <u>7 AM to 5 PM</u>
<u>Tuesday</u>	<u>" "</u>
<u>Wednesday</u>	<u>" "</u>
<u>Thursday + Friday</u>	<u>" "</u>

7. Please describe any potential noise emanating from the proposed use.

- A. Describe the noise levels anticipated from all mechanical equipment and patrons.

~~At~~ We have the children out doors on the property
only between 1:30 - 2:30 PM. In the morning we go to the park.
Excessive noise has never been a problem. it should not be a problem.

- B. How will the noise be controlled?

N/A

8. Describe any potential odors emanating from the proposed use and plans to control them:

No Potential For OFFENSIVE ODOR

9. Please provide information regarding trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

One City trash Container Will be Filled Weekly
Standard Paper and recyclable refuse.

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

One City trash Container and ONE Family SIZE
trash Can.

C. How often will trash be collected?

Once Per Week

D. How will you prevent littering on the property, streets and nearby properties?

We restrict and manage distribution by taking
the children to the playground. We clean twice daily

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?

Fire Alarms are checked monthly, Fire drills are conducted every quarter. All gas and electrical appliance are operated by adults. A May out escape route.

ALCOHOL SALES

13.

A. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use: N/A

- 14 Standard spaces
- _____ Compact spaces
- _____ Handicapped accessible spaces.
- _____ Other.

Planning and Zoning Staff Only Required number of spaces for use per Zoning Ordinance Section 8-200A _____ Does the application meet the requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No

B. Where is required parking located? (check one)

- on-site
- off-site

If the required parking will be located off-site, where will it be located?

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are available for the use? NA

Planning and Zoning Staff Only Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____ Does the application meet the requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No
--

B. Where are off-street loading facilities located? NA

C. During what hours of the day do you expect loading/unloading operations to occur? NA

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate? NA

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

NA

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No
Do you propose to construct an addition to the building? Yes No
How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?
300 sq. ft. (existing) + 1,050 sq. ft. (addition if any) = 1,750 sq. ft. (total)
indoors
Deck + Backyard

19. The proposed use is located in: (check one)
 a stand alone building
 a house located in a residential zone
 a warehouse
 a shopping center. Please provide name of the center: _____
 an office building. Please provide name of the building: _____
 other. Please describe: _____



APPLICATION - SUPPLEMENTAL

CHILD CARE

This Supplemental information is to be filed by applicants requesting special use permit approval of a child care home or child care center. All applicants must submit a plot plan of the property, showing play areas and parking, and an interior floor plan. If a play area that is not owned or leased by the operator is to be used by the children, written permission from the owner must be obtained and a copy submitted with this application.

CHILD CARE HOMES

Applicants requesting special use permit approval of a child care home for six to nine children within a home shall complete this section.

- Is the proposed facility the principal residence of the operator? Yes No
- Is the operator registered with the City of Alexandria Office of Early Childhood Development to provide child care in the home? Yes No
- How many children, including resident children, will be cared for? 9
- How many children reside in the home? NONE
- How old are the children? (List the ages of all children to be cared for)
 Resident: _____
 Non-resident: 1yr 2yrs 3yrs + 2 School Age 1-10yrs-9yrs
- A minimum of 75 square feet of outdoor play area on the lot must be provided for each child above age two.
 Play area required:
 Number of children above age two: 7 x 75 square feet = 525 square feet
 Play area provided: 725 ~~1250~~ square feet
- If the lot does not have room for on-site play area, is the child care home within 500 feet of a park or playground available for the children to play in? Yes No

If yes, please describe the park's play area:

The is a rock Park in which the Children Can run and play. The is Also a Playground with Swings, Monkey Bars, Slides and a type of mountain climber.

NOTE: Child care homes are not permitted to display signs.

CHILD CARE HOMES and CHILD CARE CENTERS

Applicants for both child care homes and child care centers (day care center, day nursery and nursery schools) shall complete this section.

1. How many employees will staff the child care facility, including the operator?

ONE TWO

How many staff members will be on the job at any one time? TWO

2. Where will staff and visiting parents park? Street

3. Please describe how and where parents will drop off and pick up children.

The Parent will drop off and Pick-up these Children in front of our home.

4. At what time will children usually be dropped-off and picked-up?

Drop-off

7:00 Am - 7:30

Pick-up

4:00 pm to 5:00 pm

5. What type of outdoor play equipment is proposed for the child care facility, if any? Where will it be located on the property?

Play equipment is in the back yard. Ball and Climber.

6. Are play areas on the property fenced? Yes No

If no, do you plan to fence any portion of the property? Yes No

Please describe the existing or proposed fence.

The Six-Foot Fence enclose the entire back yard. It is a wood fence.

CHILD CARE CENTERS ONLY

Applicants for child care centers (day care center, day nursery and nursery schools) shall complete this section.

1. How many children will be cared for during one day? 9

2. What age children do you anticipate caring for? Infant to School Age

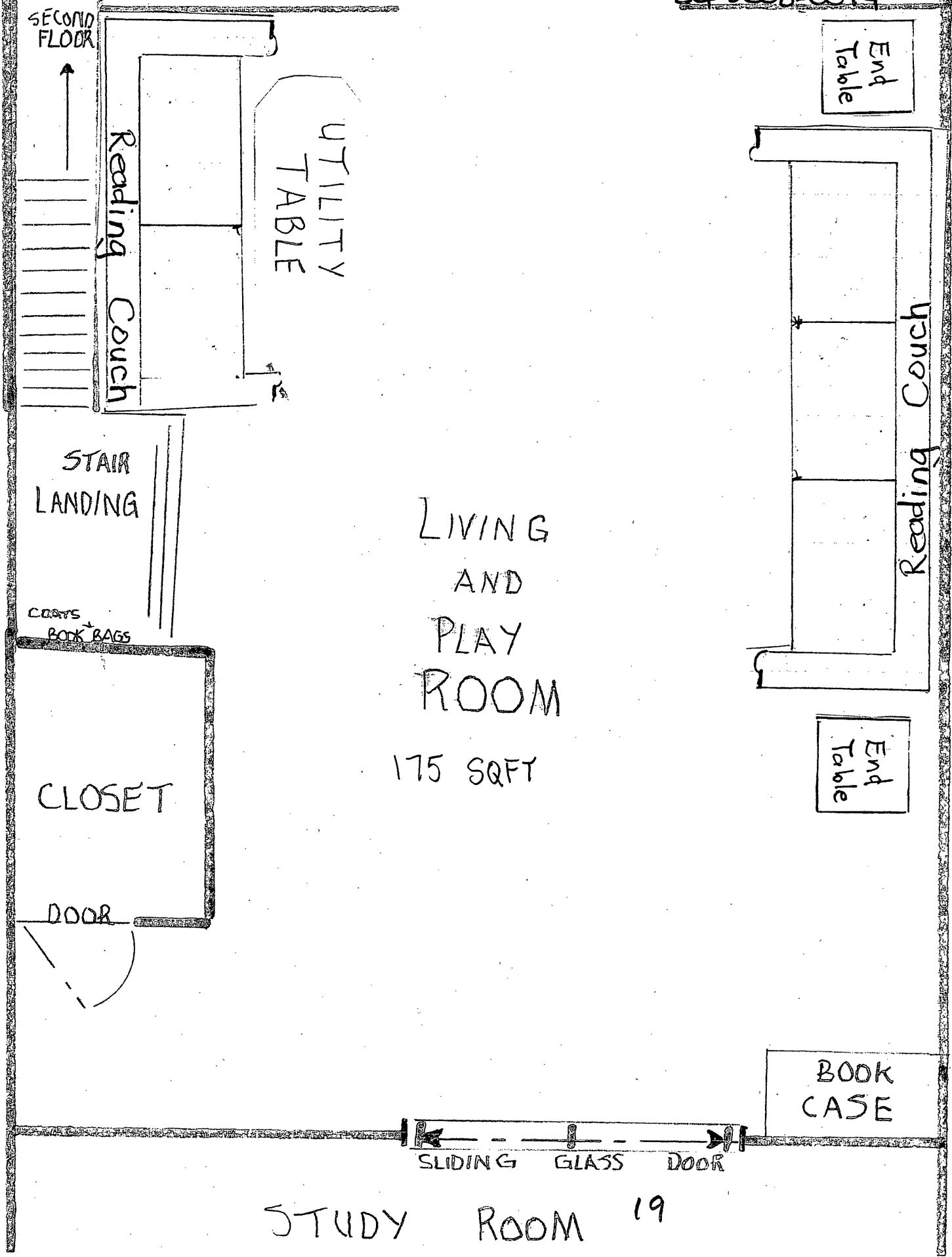
3. Does the operation have a license from the State of Virginia for a child care facility?
 Yes No

If yes, provide a copy of the license.

190
2

DINING AND STUDY ROOM

SUP 2008-0074

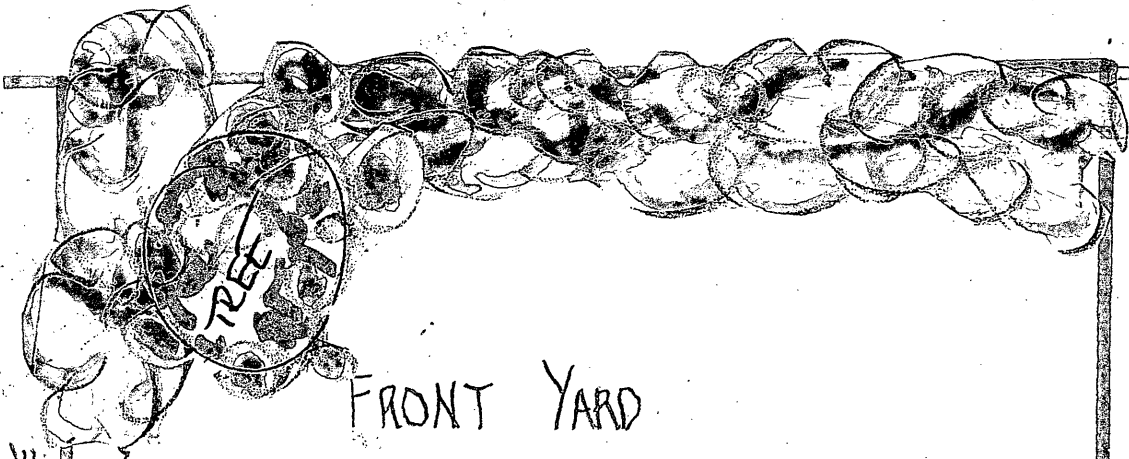


STUDY ROOM 19

WESMOND^N DRIVE

SUP 2008-0074

SIDEWALK



FRONT YARD

WALK WAY

708 WESMOND DRIVE

712 WESMOND DRIVE

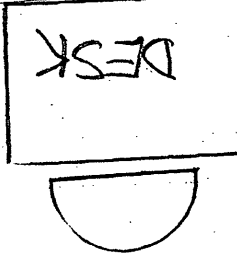
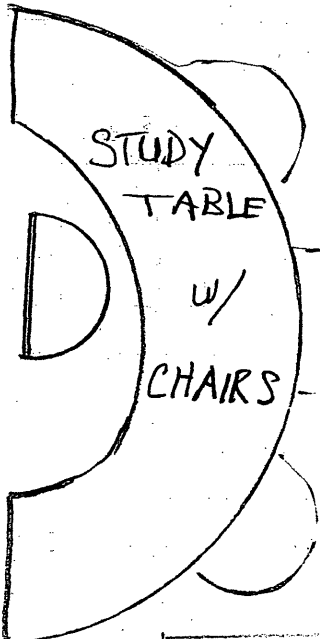
DECK

50 SQFT

FRONT DOOR

SLIDING WINDOWS + SCREENS

SLIDING WINDOWS + SCREENS



BOOK CASE

STUDY ROOM

100 SQFT



BOOK CASE

BOOK CASE

STORAGE AREA



20

LIVING ROOM - PLAY AREA

BACK ^Z YARD

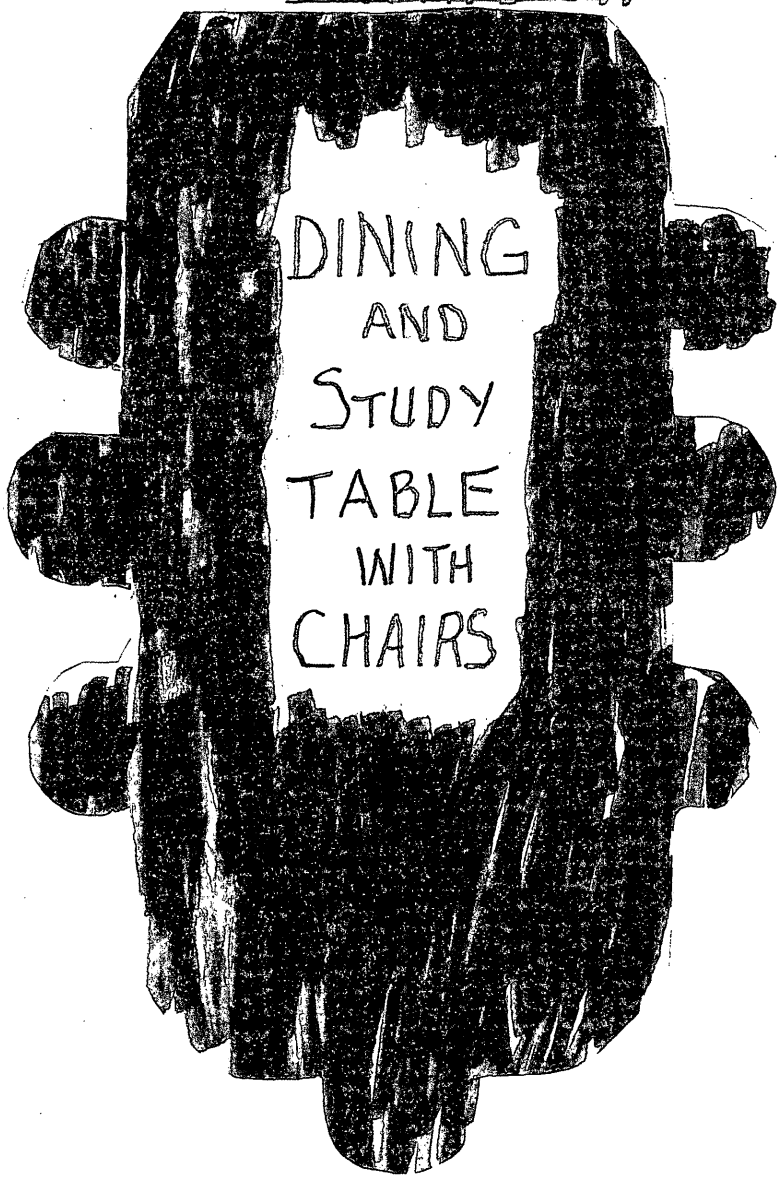
FENCE

BACK DOOR

SEP 2008-0074

WINDOW

M
KITCHEN



DINING
AND
STUDY
TABLE
WITH
CHAIRS

CHINA
STORAGE
CABINATE

ANTIQUET
BUFFET

TALL
STORAGE
CABINATE

MOVABLE
GATE

UTILITY
TABLE

DINING AND STUDY ROOM

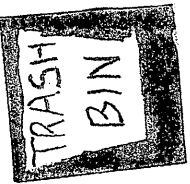
125 SQFT

HIGH
CHAR

LIVING AND PLAY ROOM

PARKING

SEP 2008 0074



6' FENCE



OUT DOOR TABLE & CHAIRS

WALK WAY

BACK YARD

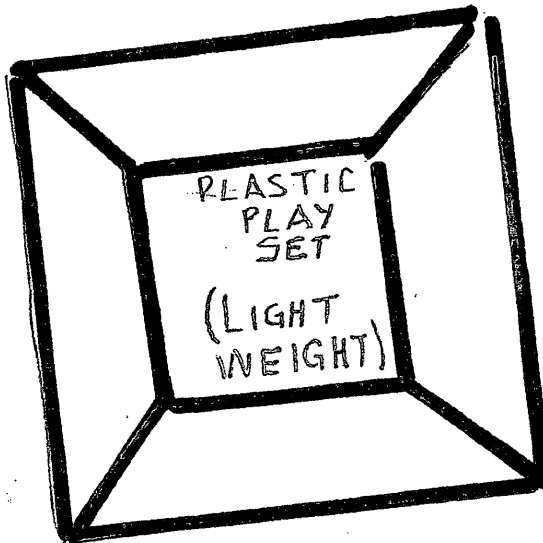
~~1,000 SQFT~~

$$\begin{array}{r} 45 \\ \times 16 \\ \hline \end{array}$$

270

45

2 720 sq. ft.

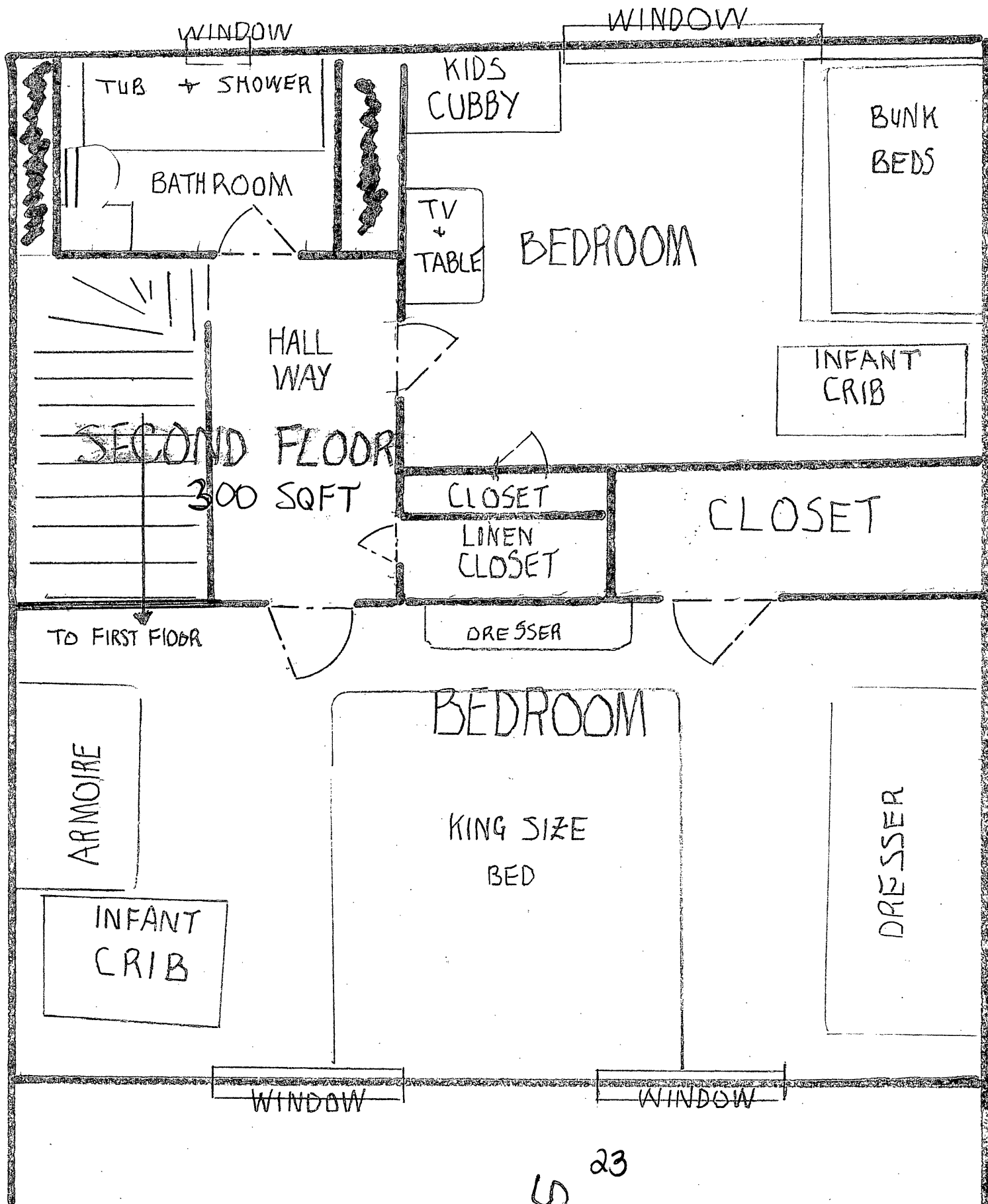


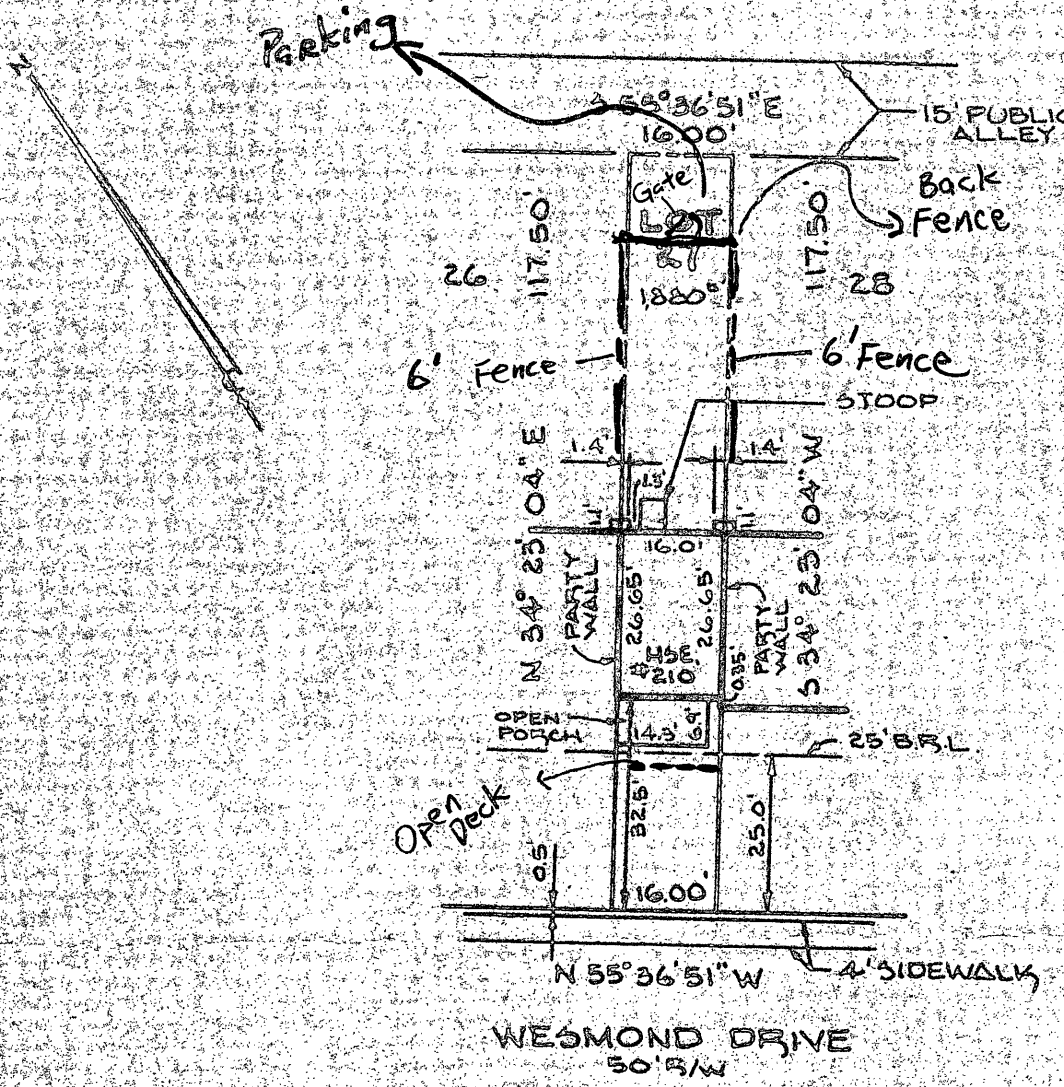
6' FENCE

BACK DOOR

WINDOW

DINING AND STUDY ROOM





HOUSE LOCATION
 LOT 27 BLK 3 SEC 4
LYNHAVEN
 CITY OF ALEXANDRIA, VA.
 DEC. 8, 1986 SCALE: 1"=30'

Charles B. Shreve Asso.
 Land Surveying
 Herndon, Va.

I hereby certify that the position of the existing improvements on the above-described property has been carefully established by a transit tape survey and unless otherwise shown, there are no encroachments.

NOTE:
 No part of this lot is within a flood plain area.

24

