



Docket Item #4

Special Use Permit #2013-00026
5234 Seminary Road – Child Care Home

Application	General Data	
Consideration of a request to operate a child care home.	Planning Commission Hearing:	June 4, 2013
	City Council Hearing:	June 15, 2013
Address: 5234 Seminary Road	Zone:	R-12/Single-Family
Applicant: Maria I. Robles	Small Area Plan:	Alexandria 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: Amber K. Wheeler amber.wheeler@alexandriava.gov

PLANNING COMMISSION ACTION, JUNE 4, 2013: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



SUP #2013-0026
5234 Seminary Rd.

6/4/2013 N



I. DISCUSSION

The applicant, Maria I. Robles, requests Special Use Permit approval to operate a child care home at 5234 Seminary Road.

SITE DESCRIPTION

The subject site is one lot of record with approximately 45.01 feet of frontage on Seminary Road, 207.70 feet of depth and a total lot area of 9,921 square feet. The property is improved with a one story, single family detached residential dwelling.

The surrounding area is comprised of primarily single family residential dwellings.



PROPOSAL

The applicant proposes to provide child care in her home for up to nine children at one time. At this time she anticipates caring only for children ages three months through three years.

Hours of Operation: 6:30 a.m. – 6:00 p.m. Monday through Friday

Number of children: Nine

Play Area: Rear yard provides play area for children

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the R-12 / Single Family Residential zone. Section 7-500(B) of the Zoning Ordinance allows a child care home in residential areas only with a Special Use Permit.

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

PARKING

The Zoning Ordinance does not require any additional parking for child care homes than would be required for a residential use. Three off-street parking spaces are located on the applicant's property, and on-street public parking is available along Echols Avenue.

II. STAFF ANALYSIS

Staff recommends approval of the applicant's request to operate a child care home at said location. The operation will provide additional child care options in the City, which has a high demand for day care services. The site will maintain its primary residential use given that the overall scope of the operation is small at a maximum of nine children, which is consistent with zoning requirements and stated in recommended Condition #3.

Due to the length of the driveway (143 feet) and the (3) parking on-site spaces, staff considers parking to be adequate for the proposed child care home. The small size of the operation will result in a low number of pick-up and drop-off vehicular trips to the site each day. In addition, the applicant, staff, or clients will be required to escort children to and/or from vehicles. Therefore, in the unlikely event that off-street parking is unavailable for clients the children will be escorted by the parent or staff of the daycare to the facility (Condition #7). Staff has included similar condition language as an alternative option in other recent child care home cases.

Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit request.

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 6:30am and 6:00pm, Monday through Friday. (P&Z)
3. The maximum number of children, including any resident children under the age of 14, that may be cared for in the home shall be nine. (P&Z)
4. This Special Use Permit shall not be effective unless and until the child care home is licensed by the Virginia Department of Social Services. (P&Z)
5. The applicant shall ensure that no vehicles double park on Echols Avenue for pick-up or drop-off. (T&ES)
6. No stopping, standing, or parking is permitted along Seminary Road for drop-off or pick-up. (T&ES)
7. The applicant, an assistant or parent must be available to escort children to and from the parent's cars at all times. (T&ES)

8. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
9. The special use permit is contingent upon the applicant receiving DCHS home study approval. (P&Z)
10. 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, 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: Joanna C. Anderson, Acting Deputy Director for Land Use and Administration;
Amber K. Wheeler, 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 The site is located on Seminary Road, which is 4-lane roadway with high traffic volumes and a 35 MPH speed limit. There are two potential drop-off and pick-up locations for this site. The first location is on site, which is accessed via a driveway off Seminary Road. The second location is on Echols Avenue, with an approximately 150' walk from the on-street parking to the home day care. Transportation staff generally favors the drop-off and pick-up location on Echols Avenue since the intersection of Seminary and Echols is signalized and allows for protected turns from Seminary Road to Echols Avenue and from Echols Avenue to Seminary Road.

While Transportation staff does not believe the use of the driveway should be prohibited as a drop-off and pick-up location, there are two primary limitations to exclusively using the driveway for drop-off and pick-up:

- a. The driveway aisle is only 10' wide. If an entering vehicle meets an existing vehicle, there is no room for these cars to pass each other, which will require the exiting vehicle to back up into the parking area.
- b. There is limited room on site for vehicles to turn around. Of the three parking spaces provided on site, at least one of the three spaces would need to be utilized to turn around in the driveway, which is imperative in order to avoid backing onto Seminary Road.

F-2 Transportation staff recommends that the applicant encourage parents to use Echols Avenue as their primary drop-off and pick-up location.

R-1 The applicant shall ensure that no vehicles double park on Echols Avenue for pick-up or drop-off. (T&ES)

R-2 No stopping, standing, or parking is permitted along Seminary Road for drop-off or pick-up. (T&ES)

R-3 The applicant, an assistant or parent must be available to escort children to and from the parent's cars at all times. (T&ES)

R-4 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (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. (T&ES)

Code Enforcement:

- F-1 The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plan Review Services Division Chief at ken.granata@alexandriava.gov or 703-746-4193.
- C-1 Building and trades permits where required must be obtained prior to applicable work commencement. Five sets of construction documents that fully detail the construction as well as layout and schematics of any alterations made to mechanical, electrical, and plumbing systems must be submitted to the Code office for review. If a design professional prepares drawings for the project the plans must bear the seal of the design professional in accordance with the Code of Virginia Section 54.1-410B.
- C-2 Any proposed alterations to the existing structure must comply with the current edition of the Virginia Uniform Statewide Building Code (VUSBC).
- C-3 Care for up to 12 children allowed if documentation is provided from the homeowner showing program oversight is provided by the Virginia Department of Social Services per VCC 310.4; may also need to update their Fire Prevention Permit. Otherwise child care facility is allowed to accommodate 5 or fewer persons of any age for less than 24 hours per VCC 310.

Health:

Food Facility:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual or location to another.
- C-2 Plans shall be submitted to the Health Department through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200 plan review fee payable to the City of Alexandria.
- C-3 Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C-4 Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing foods; using food additives to render food non-potentially hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.
- C-5 A Certified Food Manager shall be on duty during all operational hours.

- C-6 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

Child Care Facility:

- C-8 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual or location to another.
- C-9 Plans shall be submitted to the Health Department through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
- C-10 Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility.
- C-11 A Certified Food Manager shall be on duty during all operating hours.
- C-12 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-13 If services are provided for 8 children or less, the facility does not need to be regulated by Alexandria Health Department but must meet the 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, bedding etc. Other items may be required by state or city codes.

Parks and Recreation:

No comments received

Police Department:

No comments received.

Human Services:

No comments received.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2013-00026

PROPERTY LOCATION: 5234 Seminary Road

TAX MAP REFERENCE: _____ ZONE: R12

APPLICANT:

Name: MARIA I. ROBLES

Address: 5234 SEMINARY ROAD, ALEXANDRIA, VA 22311

PROPOSED USE: HOME DAYCARE EXTENDED

[] **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.

MARIA Ines Robles
Print Name of Applicant or Agent

M. Robles
Signature

03-09-13
Date

5234 Seminary Rd
Mailing/Street Address

703-9330364
Telephone #

Fax #

Alex VA 22311
City and State Zip Code

Email address

ACTION-PLANNING COMMISSION: _____ DATE: _____

ACTION-CITY COUNCIL: _____ DATE: _____

SUP # 2013-00026

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 5234 SEMINARY ROAD, ALEXANDRIA, VA 22311 I hereby
(Property Address)
grant the applicant authorization to apply for the HOME DAYCARE EXTENDED use as
(use)
described in this application.

Name: MARIA I. ROBLES

Phone 703-933-0364

Please Print

Address: 5234 Seminary Rd Alex VA
22311

Email: Roblesolx@aol.com

Signature: M I Robles

Date: 03-19-13

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.

100% OWNER

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. MARIA I. ROBLES	5234 SEMINARY RD, ALEX.	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at _____ (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. N/A		
2.		
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. N/A		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

03-19-13
Date

MARIA Ines Robles
Printed Name

MIRobles
Signature

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.)

I THINK THAT WE HAVE BIG ENOUGH PLACE FOR MORE
CHILDREN. THEY HAVE ENOUGH PLACE IN THE INTERIOR &
EXTERIOR. THEY CAN EXPLORE THE BACK YARD, RUNNING,
PLAYING WITH TOYS AND PLAYGROUND.

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: HOME DAY CARE EXTENDED
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 CLIENTS
- B. How many employees, staff and other personnel do you expect?
Specify time period (i.e., day, hour, or shift).
2
6. Please describe the proposed hours and days of operation of the proposed use:
- | | |
|-----------------------------------|-----------------------------------|
| Day:
<u>MONDAY thru FRIDAY</u> | Hours:
<u>6:30 AM to 6 PM.</u> |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
7. Please describe any potential noise emanating from the proposed use.
- A. Describe the noise levels anticipated from all mechanical equipment and patrons.
NONE
- B. How will the noise be controlled?
N/A

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

NONE

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)

1 CANE FOOD WRAPPERS

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

DUE TRUSIA (CANE)

- C. How often will trash be collected?

ONCE A WEEK

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

N/A

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:

N/A

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:

N/A

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

N/A

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:

_____ Standard spaces
4 _____ 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?

☐ Yes ☐ 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?

SIDE STREET

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? 0

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where are off-street loading facilities located? N/A
-
- C. During what hours of the day do you expect loading/unloading operations to occur?
N/A
-
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
N/A
-
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?
N/A
-

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?
762 sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ sq. ft. (total)
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: _____

End of Application



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.

1. Is the proposed facility the principal residence of the operator? ☒ Yes ☐ No
2. Is the operator registered with the City of Alexandria Office of Early Childhood Development to provide child care in the home? ☒ Yes ☐ No
3. How many children, including resident children, will be cared for? 9
4. How many children reside in the home? 0
5. How old are the children? (List the ages of all children to be cared for)
 Resident: _____
 Non-resident: ☒ _____
6. 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: 2 x 75 square feet = 150 square feet
 Play area provided: 2,800 square feet
7. 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:

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

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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?

2

How many staff members will be on the job at any one time? 1

2. Where will staff and visiting parents park? OUTSIDE PARKING

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

DRYWAY AND OUTSIDE PARKING

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

Drop-off

6:30 AM

Pick-up

6 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?

BIKE, TOYS, CARS

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.

WOOD FENCE

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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? 3 MONTHS TO 3 YEARS OLD
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.

320
21