



DOCKET ITEM #5
Special Use Permit #2015-00073
6003 Kelley Court – Child Care Home

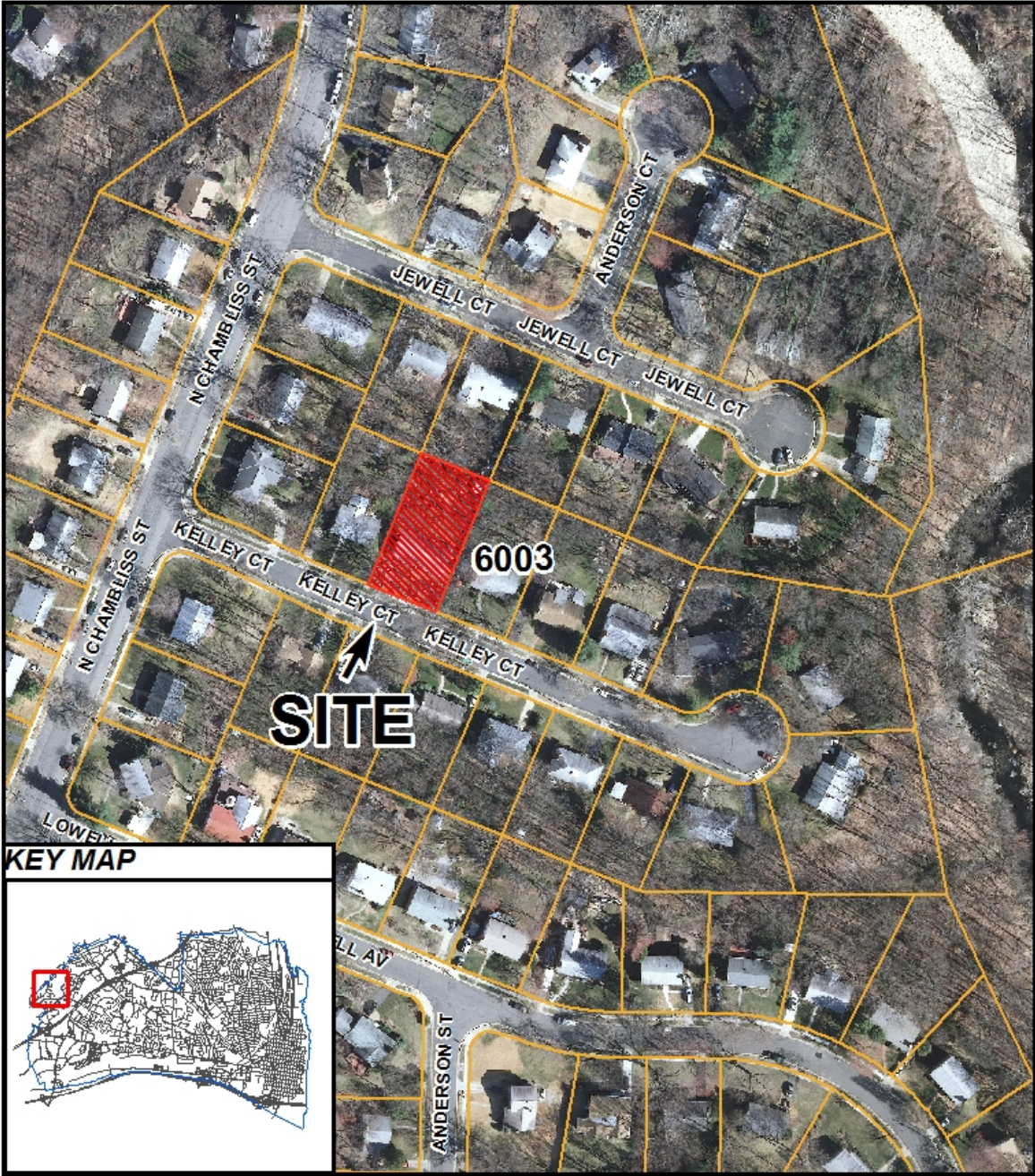
CONSENT AGENDA ITEM

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	
Public hearing and consideration of a request to operate a child care home	Planning Commission Hearing:	September 1, 2015
	City Council Hearing:	September 12, 2015
Address: 6003 Kelley Court	Zone:	R-12/Residential Single Family
Applicant: Vigdonia Guzman	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: Marlo J.W. Ford, AICP, marlo.ford@alexandriava.gov



SUP #2015-0073
6003 Kelley Court



I. DISCUSSION

The applicant, Vigdonia Guzman, requests Special Use Permit approval to operate a child care home at 6003 Kelley Court.

SITE DESCRIPTION

The site is one lot of record with approximately 82.00 feet of frontage facing Kelly Court, a depth of approximately 156.00 feet and a total lot area of 12,000 square feet according to Real Estate Assessment records. The community is surrounded by single-family detached homes.



BACKGROUND

The applicant is currently operating a child care home for up to five children at her residence, as approved by the Virginia Department of Social Services. Caring for up to five children in a child care home is a permitted use and does not require a Special Use Permit.

PROPOSAL

The applicant requests to expand the existing child care business in her home in order to care for up to nine children. She would care for children currently between the ages of 0 years of age and six years of age under the trade name of Superkids.va.

Additional elements of the applicant's proposal are as follow:

Hours of Operation: 7:00am – 6:00pm Monday through Friday

Number of Children: Nine

Play Area: Fenced play area in rear yard

PARKING

The Zoning Ordinance does not require child care operations in residences to provide additional parking beyond the residential requirement. On-street parking is available in this portion of the City.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the R-12/ Single 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.

II. STAFF ANALYSIS

Staff supports the applicant's request to operate a child care home. The expansion of the applicant's child care operation would fulfill a need for additional child care options in the city. Neighborhood impacts are not expected since the operation is small and the property will remain primarily residential. The maximum number of children in the applicant's care would be limited to nine, as referenced in the Zoning Ordinance and stipulated in Condition 3.

The applicant provides sufficient, fenced outdoor play area for nine children over the age of two at the rear of the property, as required by the Zoning Ordinance and stated in Condition 5. Although parking restrictions apply on City streets near the home, child drop-off and pick up from vehicles can be accommodated in the applicant's two-space driveway with parent arrivals staggered in the mornings and evenings, as referenced in Condition 7. In the unlikely event that driveway parking is not available and on-street parking is an option, staff has included two conditions to limit traffic congestion and to ensure the safe transfer of children. The double parking of parents' cars on nearby streets is prohibited in Condition 8. In addition, the applicant or her assistant who resides at the home would escort children to and from parental vehicles if parents are unable to park on the street as required by Condition 9.

Staff recommends approval of the Special Use Permit request subject to the conditions included in Section III of this report.

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 6:00 p.m., 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 at any one time shall be nine. (P&Z) (Community & Human Services, Early Childhood Division)
4. This Special Use Permit shall not be effective unless and until the child care home, as proposed in this application, is licensed by the Virginia Department of Social Services. (P&Z) (Community & Human Services, Early Childhood Division)
5. The applicant shall provide fenced outdoor play space in the rear yard of the property for up to nine children over age two. (P&Z)

6. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
7. The applicant or an assistant who resides at the home shall ensure that the drop off and pick up of children occurs in the driveway of the residence. (City Council)
8. The applicant shall require that no vehicles double park on-street for pick up and drop off children. (T&ES)
9. The applicant must be available to escort children to and from the parent's cars in the event that parking is not available on the street or in the driveway. (T&ES)
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 recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

STAFF: Alex Dambach, Division Chief, Land Use Services
Marlo Ford, 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 applicant shall ensure that no vehicles double park on Kelley Court for pick-up or drop-off. (T&ES)
- F-2 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 Kelley Court.
- F-3 Since the facility is located in a residential area, staff is concerned about the noise generated when the children are out in the backyard everyday which might impact the quality of life of the three neighbors living closest to this property.
- 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)
- R-1 All loudspeakers shall be prohibited from the exterior of the building. (T&ES)
- R-2 This SUP should be approved on a probation basis to ensure there are no negative impacts to the neighboring area and residences.

Code Enforcement:

- F-1 The following comments are for Special use permit review only. Once the applicant has filed for a building permit and additional information has been provided, code requirements will be based upon the building permit plans and the additional information submitted. If there are any questions, the applicant may contact Charles Cooper, Plan Review Division at Charles.cooper@alexandriava.gov or 703-746-4197.
- C-1 Any construction alterations to existing dwelling will require a consultation from the building department to determine what building codes and construction permits are applicable to proposed construction.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC). This project is subject to the 2012 Virginia rehabilitation code.

Health:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities that are serving and/or preparing food. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another.

- C-2 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety 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-3 Food Protection Manager shall be on-duty during all operating hours.
- C-4 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions
- F-1. Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Construction 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.

Parks and Recreation:

No comments received for this case.

Police Department:

No comments received for this case.

Fire Department:

- C-1 A fire prevention permit is required for this occupancy condition – daycare.

Community & Human Services (Early Childhood Division)

The site visit was conducted on June 30, 2015. This is a two-level single family home. On the main level, the home has a kitchen, a separate dining room, the living room, three bedrooms and a full bathroom. One of the bedrooms is used as a second living room.

Vigdonia Guzman is currently using the basement as her major child care area. The basement has a direct exit to the back porch and to the backyard which is fenced in. The basement was designed as an apartment with a kitchen and a full bathroom. The basement has two rooms: one for infants where she has cribs and another for older children, in which she has three child sized tables and with chairs for the children. The kitchen in the basement has a refrigerator where she keeps the food for the children. In the bathroom, there is a changing table and shelves for the infant's diapers. There are also two step stools for children to reach the sink to wash their hands. The bathroom door has a safety doorknob on the outside to prevent children from accessing the bathroom on their own.

Ms. Guzman has a large selection of educational material. She also has space for children's belonging. All play materials are well organized and accessible to the children. She has a safety gate in the kitchen, so the children do not have access and the cabinets have safety latches. In the back yard, she has a swing and a slide. She had appropriate toys for the ages of the children she is caring for. All her certifications (MAT, CDA) and fire inspection reports are posted on the wall.

- R-1 Recommend approval of Ms. Guzman's special use permit to allow her to care for up to nine non-resident children, pending compliance with other departments' recommendations and subject to licensing and registration requirements and other limitations of local and state regulations.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2015-0073

PROPERTY LOCATION: 6003 Kelley Ct. Alexandria, VA 22312

TAX MAP REFERENCE: 028.01-03-03

ZONE: R-12

APPLICANT:

Name: Vigdonia Guzman

Address: 6003 Kelley Ct. Alexandria, VA 22312

PROPOSED USE: Family Day Home - State Licensed

☒ **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.

Vigdonia Guzman

Print Name of Applicant or Agent

6003 Kelley Ct

Mailing/Street Address

Alexandria, VA 22312

City and State

Zip Code

Signature

6/8/15

Date

(703) 354-1118

Telephone #

Fax #

superkids.va@gmail.com

Email address

ACTION-PLANNING COMMISSION:

DATE:

ACTION-CITY COUNCIL:

DATE:

APPLICATION MATERIALS

SUP2015-00073

6003 Kelley Ct

6/8/2015

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 6003 Kelley Ct. Alexandria, VA 22312, I hereby
 (Property Address)

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

described in this application.

Name: Brian Fromm

Phone: 703 675-5483

Please Print
 Address: 1407 Martha Custis Drive
Alex. Va 22302

Email: brianfromm@comcast.net

Signature: [Signature]

Date: 06/21/15

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.

Vigdonia Guzman, SuperKids 100%

Use additional sheets if necessary

Name	Address	Percent of Ownership
1. MA Vigdonia Guzman	6003 Kelley Ct.	100%
2.		
3.		

Name	Address	Percent of Ownership
1. Brian Fromm	6003 Kelley Ct, Alex, VA	Owner of Property (100%)
2.		
3.		

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. NA		
2.		
3.		

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.)

The purpose of this application is strictly for my family day home. My goal is to provide a friendly and appropriate environment for my business that will have no disturbance on my neighbors. This property is 1232 sqft and consists of 3 bedrooms, 2 1/2 bathrooms and a finished basement. The 1st floor (upper level) will be used as my family's ^{entire} living area. The basement will be used only for the family day home. I will provide an appropriate amount of space for my business to function as smoothly as possible. It will consist of a play area, nursery, kitchen, bathroom, laundry room, and storage area. There is a backyard with ample space for a play area and playground (swing set). There will be an appropriate amount of parking space in the driveway and street parking for parents to pick up and drop off their children. The hours of operation will be between 7:00am - 6:00pm. Overall, I propose to provide child care in my home for up to nine children at one time.

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).

Between 7:00am - 6:00pm there will be up to 9
 children (clients) being taken care of

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

Between 7:30am - 5:00pm there will be two employees
 at work.

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

Day:

Hours:

Monday - Friday

7:00am - 6:00pm

7. Please describe any potential noise emanating from the proposed use.**A.** Describe the noise levels anticipated from all mechanical equipment and patrons.

NA

B. How will the noise be controlled?

This has never been an issue. Children are always
 educated to use their indoor voice when inside.
 Children will play outside for no more than 40 min.

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

Trash will be collected every week and be
placed in appropriate disposal bins

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)

Food waste, office paper, & leftover materials.

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

1-2 trash bags per week

- C. How often will trash be collected?

Every Tuesday, with neighborhood trash pickup service

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

There will be rules established as to where trash belongs.
We don't generate a lot of waste therefore it has never been a problem.

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?

Doors and cabinets have secure locks. Cleaning supplies
are out of reach of children.
Children will be under adult supervision at all times.

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:

3 Standard spaces
 _____ Compact spaces
 _____ Handicapped accessible spaces.
street 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?

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?

☐ Yes ☐ No

- B. Where are off-street loading facilities located? N/A
At front of the house, through the garage
- C. During what hours of the day do you expect loading/unloading operations to occur?
Parents will drop off children between 7:00am to 9:00am
and pick up between 4:00pm-6:00pm
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
2x per day

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?
1,232 sq. ft. (existing) + _____ sq. ft. (addition if any) = 1,232 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

6/23

SUP # 2015-0073



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 (VA state licensed)
3. How many children, including resident children, will be cared for? 9
4. How many children reside in the home? None
5. How old are the children? (List the ages of all children to be cared for)
 Resident: NA
 Non-resident: Ages (0-6 yrs)
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: 7 x 75 square feet = 52.5 square feet
 Play area provided: 1500 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:
The house has a fenced backyard which will be used as the play area. The playground meets all regulations for safety.

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?

3

How many staff members will be on the job at any one time? 2

2. Where will staff and visiting parents park? Two spots will be available on the driveway and another 3 spaces on the street.

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

In the morning and afternoon parents will park on the spaces listed above.

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

Drop-off

7:00am - 9:00am

Pick-up

4:30 - 6:00pm

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

Outdoor play equipment is located in the backyard. A wooden playground set, deck (used for toy cars & bicycles) and lawn area is available for the child care facility.

6. Are play areas on the property fenced?

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

☒ Yes ☐ No
☒ Yes ☐ No

Please describe the existing or proposed fence.

Four and six foot (of height) wooden fence surrounding backyard perimeter

SUP # 2015-0073

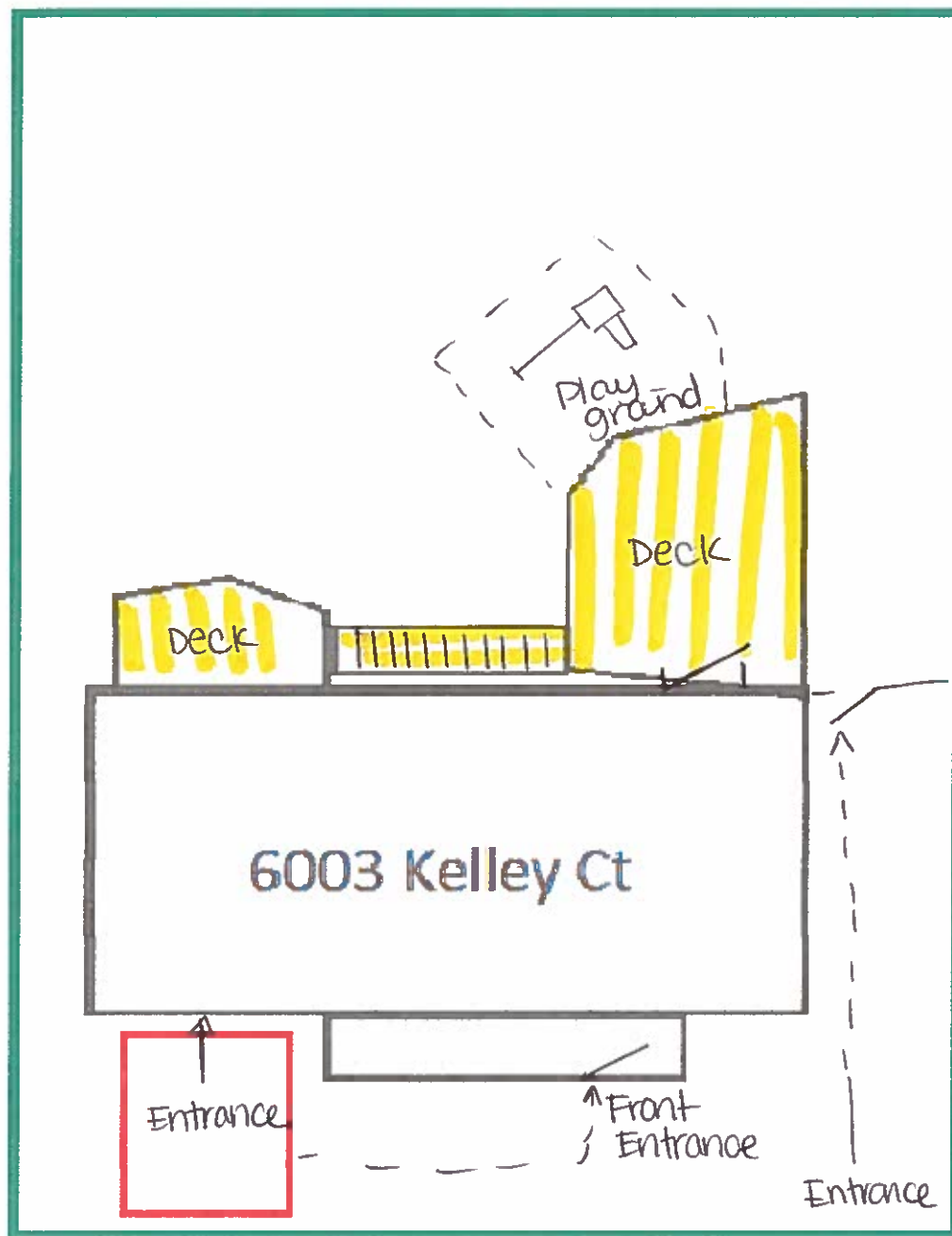
CHILD CARE CENTERS ONLY

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? 0-6 years
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.

Site Plan

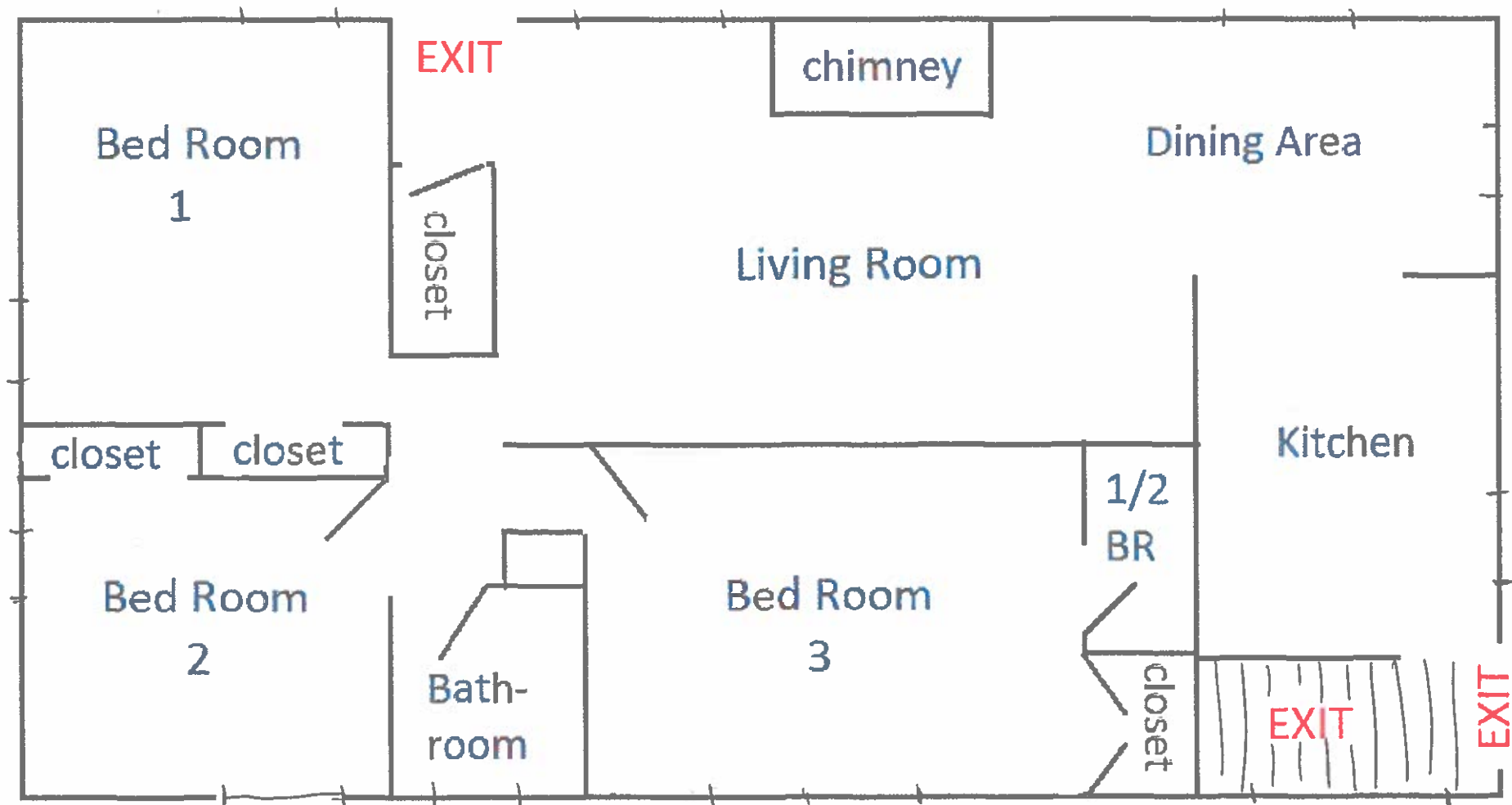


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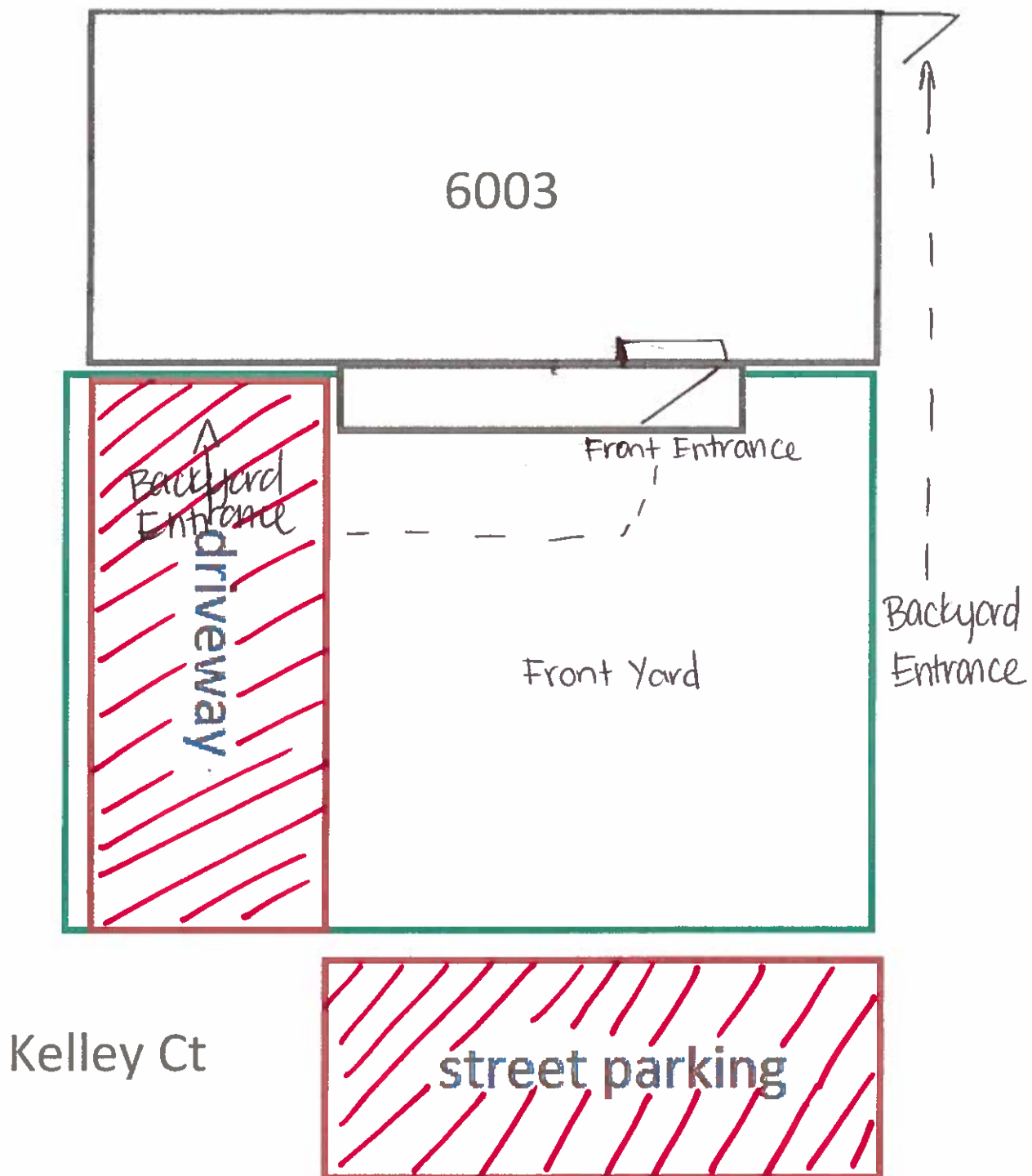


1232 sqft

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Parking Layout



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6/22/2015

6001 Kelley Ct - Google Maps

6001 Kelley Ct
Alexandria, Virginia
Street View Oct 2012



Image capture: Oct 2012 © 2013 Google

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6003 Kelley Ct - Google Maps



SUP #2015-00073
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6007 Kelley Ct - Google Maps

6007 Kelley Ct
Alexandria, Virginia
Street View - Oct 2012



→ parking

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