



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2013-0040
Approved by Planning and Zoning: July 31, 2013
Permission is hereby granted to: Virginia Theological Seminary
to use the premises located at: 3800 & 3810 Butterfly Lane
for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

7/31/2013

Date



Faroll Hamer, Director
Department of Planning and Zoning

DATE: July 31, 2013

TO: Karl Moritz, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2013-0040
Administrative Review for Minor Amendment
Site Use: Day Care Center
Applicant: Virginia Theological Seminary by Heather Zdancewicz
Location: 3800 & 3810 Butterfly Lane
Zone: R-20 / Single-Family Residential

Request

Special Use Permit #2013-0035 is a minor amendment request to increase the enrollment and hours of operation at an existing day care center at Virginia Theological Seminary known as Butterfly House. The applicant proposes to increase the maximum number of children allowed at the day care center from 36 to 50. It also proposes to increase the hours of operation from the approved 8 a.m. - 5 p.m. Monday-Friday to 7:30 a.m. – 6 p.m. Monday-Friday. No other changes to the operation are proposed.

Background

City Council approved SUP#1901 in June 1986 to the applicant for the operation of a 20-child day care center. In September 1988, City Council approved SUP#2156 to the applicant to increase the number of children allowed at the center to 30. At the time of both approvals, the address for the center was listed as 3737 Seminary Road. Since that time the building has been re-addressed as 3800 and 3810 Butterfly Lane.

In late May 2013, as part of its routine inspection program, staff found that the applicant was caring for 47 children, exceeding the 30-child limit stipulated in Condition #2 of SUP#2156. Staff required the applicant to either lower the number of children at the facility or apply for a new Special Use Permit. The applicant subsequently filed this request to achieve compliance.

Parking and Pick-up/Drop-off

Pursuant to Section 8-200(A)(11) of the Zoning Ordinance, two off-street parking spaces are required for each day care classroom. The four-classroom day care center is therefore required to provide a total of eight off-street parking spaces. The applicant exceeds this requirement with the provision of 14 off-street parking spaces near the building on either side of Butterfly Lane. Parents will also use these spaces during the pick-up/drop-off of children, in which parents will park and bring their children into the building to be transferred to day care center staff.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Seminary Hill Civic Association was sent written notification of the current application. Staff has not received any comments from the public regarding this request.

Staff Action

Staff supports the applicant's request to expand the number of children at the existing day care center. The request is eligible for minor amendment approval pursuant to Section 11-511(A)(2)(b)(ii) of the Zoning Ordinance since the proposed hours and number of children are no more intense than what would otherwise be allowed under administrative approval if the day care center were a new use.

Although the applicant did increase the number of children at the center without approval, it worked with staff to correct the violation through the timely submission of this request. Adding 20 children to the site should not create negative impacts on the neighborhood, particularly since the use is located away from Seminary Road neighbors on Virginia Theological Seminary property. The addition of day care center slots here will also help alleviate the current shortage of day care services in the City.

Staff has added several new conditions regarding matters such as trash storage, litter, and noise for consistency with modern standards. Subject to the conditions contained in this report, staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 7/31/2013
Action: Approved


Karl Moritz, Deputy Director

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2013-0040

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. **CONDITION AMENDED BY STAFF:** That The Special Use Permit shall be granted to the applicant or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP#2156)
2. **CONDITION AMENDED BY STAFF:** That The enrollment be limited to a maximum number of 30 children attending the day care center at any one time shall not exceed 50. (P&Z) (SUP#2156)
3. **CONDITION ADDED BY STAFF:** The maximum hours of operation for the day care center shall be between 7:30 a.m. and 6 p.m. Monday-Friday. (P&Z)
4. **CONDITION ADDED BY STAFF:** The applicant shall maintain adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic as determined by the Directors of Planning & Zoning and Transportation & Environmental Services. (P&Z) (T&ES)
5. **CONDITION ADDED BY STAFF:** Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the Director of Planning & Zoning. (P&Z) (T&ES)
6. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all Special Use Permit provisions and requirements. (P&Z)
7. **CONDITION ADDED BY STAFF:** Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
8. **CONDITION ADDED BY STAFF:** The use must comply with the city's noise ordinance. 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. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking. The applicant shall encourage its employees and customers 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. (T&ES)

10. **CONDITION ADDED BY STAFF:** The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security survey for the business and a robbery readiness program for all employees. (Police)

11. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year after approval, 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)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services

R-1 From Section 11-513(C) of the Zoning Ordinance:

- (3) The applicant shall encourage its employees and customers 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.
- (5) The applicant shall require its employees who drive to work to use off-street parking.
- (7) Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director.
- (9) Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation.
- (10) The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.

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)

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).

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

Code Administration

F-1 No comments received

Health Department

F-1 No comments

Parks & Recreation

F-1 No comments received

Police

R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security survey for the business.

R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a robbery readiness program for all employees.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2013-0040. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the day care center at 3800 & 3810 Butterfly Lane.

Kerry Hual
Applicant - Signature

8/2/13
Date

Kerry Hual
Applicant - Printed

8/2/13
Date