

DATE: October 1, 2013

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

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2013-0061
Administrative Review for Minor Amendment
Site Use: Day Care Center
Applicant: CPS II, Inc. t/a Creative Play School
Location: 100 East Windsor Avenue
Zone: RB / Townhouse and R-2-5 / Single and Two-Family zones

Request

Special Use Permit #2013-0061 is a minor amendment request to change two conditions in approved SUP#2001-0137 at an existing day care center in the Del Ray United Methodist Church. The first request is to amend existing Condition #2 to change the number of children attending different programs at the center. Currently, the applicant is allowed to care for 60 children at its preschool program, 20 at its before-school program and 60 children at its after-school program (the latter two of which are both for school-aged children), for a total of 80 in the mornings and 120 in the afternoons. The applicant now asks to care for 65 children at its preschool program, 15 children at its before-school program, and 55 children at its after-school program.

The second request is to amend existing Condition #5 to allow children aged five and six to be located on the third floor of the building. The condition currently restricts the location of children ages one through six to only the lower level of the building. No other changes to the operation are proposed and the business will continue under the trade name of "Creative Play School."

Background

The applicant has operated a day care center at the subject site since 1983, when City Council approved SUP#1574. The restriction on the location of one to six year-olds (Condition #5) was included in the 1983 approval. Most recently, City Council approved SUP#2001-0137 in March 2002 to expand the number of children from 60 to 120 at any one time. The condition language added at that time regarding the number of children that may be cared for at any one time specified that only 60 children be allowed in the preschool program and only 60 more in the before or after-school program.

The Del Ray Montessori School, which first opened in 2011, also occupies space within the Del Ray United Methodist Church. City Council most recently approved SUP#2013-0007 in

May 2013 to increase the maximum number of children attending that institution to 50.

In June 2013, as part of its routine inspection program, staff discovered that the applicant had been operating with more children in its toddler program than allowed under existing Condition #2. The applicant worked with staff on the matter and filed the current SUP request.

Parking

Pursuant to Section 8-200(A)(8) of the Zoning Ordinance, two off-street parking spaces are required for every day care classroom. The eight-classroom day care center is therefore required to provide a total of 16 off-street parking spaces. The applicant satisfies this requirement with the provision of 16 off-street parking spaces in the surface parking lot at the corner of East Windsor and Clyde Avenues.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. Staff also informed the Del Ray Citizens and Del Ray Business Associations about the current application. Staff has not received any comments from community groups, residents or adjacent businesses regarding this application.

Staff Action

Staff does not object to the applicant's request, which is eligible for minor amendment approval pursuant to Section 11-511(A)(2) of the Zoning Ordinance. The proposed change to Condition #2 involves merely switching the number of children attending the major programs of the day care center to better meet the prevailing need for day care for young children at the present time. The overall maximum number of children attending the facility will not change and the increase in the number of children attending the facility at mid-day is very small at only five children. Although it is uncommon for different attendance limits to be stipulated for different programs within the same day care center, staff has retained the distinction in this approval given that it will maintain the existing difference in allowable attendance (40 students) between the morning and afternoon programs.

Planning & Zoning has discussed with the Fire Department the proposed change to Condition #5, regarding the ages of children that must be located on the same level as the exit discharge. The condition appears to have been included in the 1983 SUP as a fire safety measure since no such restriction existed in the building and fire codes that applied to the use at the time. The Fire Department has recommended that the condition language remain in effect for the youngest children at the facility (from infants up to four year-olds) since current building and fire code stipulations to address the issue may not apply to the day care space given that it appears to be subject only to codes from the 1980s. However, since today's codes do not specify special treatment for the five and six year olds that are the subject of the applicant's request, the Fire Department agrees that these children do not need to be adjacent to exits. Condition #5 has therefore been revised to exclude these children.

Modern one-year review condition language and standard conditions regarding litter, loudspeakers, and transit have also been included in this report. Given that the applicant recently completed security training with the Police Department, staff has deleted this condition from the approval as well.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 10/1/2013

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 #2013-0062

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. All pick-up and delivery of children by automotive vehicles shall be done from within the off-street parking area located at 100 E. Windsor Avenue and the parents or staff shall be required to escort children either into or out of the center for pick-up or delivery. (P&Z) ~~(T&ES)~~ (SUP#2001-0137)
2. **CONDITION AMENDED BY STAFF:** No more than ~~60~~ 65 children are permitted to attend the Toddler Pre-School Program. No more than ~~20~~ 15 children are permitted to attend the Before School Program for children ages six to twelve during the school year. No more than ~~60~~ 55 children are permitted to attend the After School Program for children ages six to twelve during the school year. No more than 60 children are permitted to attend the Day Camp Program held during the summer. (PC) ~~(SUP#2001-0137)~~
3. The designated play areas shall be fenced to the satisfaction of the Director of the Department of Planning and Zoning. (P&Z) (SUP#2001-0137)
4. No more than 45 children total shall be allowed outside in the on-site play areas at one time. (P&Z) (City Council) (SUP#2001-0137)
5. **CONDITION AMENDED BY STAFF:** The applicant shall keep children between ages ~~4~~ zero and ~~6~~ four on the same level as the exit discharge. (Fire) ~~(SUP#1574)~~
6. 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) (SUP#2001-0137)
7. The applicant shall obtain all licenses required by the Virginia State Department of Social Services, Division of Licensing Programs. (P&Z) (SUP#2001-0137)
8. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department regarding a security survey for the child care center and safety programs available through the department for the children. The security survey is to be completed prior to the expansion of the child care center. (Police) (SUP#2001-0137)~~
9. The applicant shall screen the dumpster located on the subject property to the satisfaction of the Director of the Department of Planning and Zoning. (P&Z) (SUP#2001-0137)
10. The applicant shall provide and maintain in good condition landscaping to screen the parking lot and the play area per the City of Alexandria's Landscape Guidelines

(adopted 1998) and to the satisfaction of the Director of the Department of Planning and Zoning. (PC) (SUP#2001-0137)

11. The hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday. (P&Z) (SUP#2001-0137)
12. **CONDITION AMENDED BY STAFF:** ~~The Director of Planning and Zoning shall review the special use permit twelve months after operation 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, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. 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 Council) (SUP#2001-0137)
13. **CONDITION ADDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
14. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
15. **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 to prevent an unsightly or unsanitary accumulation once each day that the business is open to the public. (T&ES)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services

- R-1 **CONDITION AMENDED BY STAFF:** All pick-up and delivery of children by automotive vehicles shall be done from within the off-street parking area located at 100 E. Windsor Avenue and the parents or staff shall be required to escort children either into or out of the center for pick-up or delivery. (P&Z) **(T&ES)** (SUP2001-00127)
- R-2 **CONDITION ADDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
- R-3 **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- R-4 **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 to prevent an unsightly or unsanitary accumulation once each day that the business is open to the public. (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. (SUP2001-00137)
- C-2 **CODE REQUIREMENT ADDED BY STAFF:** 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). (T&ES)

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.

Code Enforcement

F-1 No comments received

Recreation, Parks & Cultural Activities

F-1 No comments received

Health Department

Food Facility

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.
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.
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.
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.
5. A Certified Food Manager shall be on duty during all operational hours.
6. The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
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.

Police Department

F-1 No objection

F-2 Security assessment completed on 08-12-13

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2013-0061. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the day care center at 100 East Windsor Avenue.

Applicant - Signature

Date

Applicant – Printed

Date