

**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.

Docket Item #7  
SPECIAL USE PERMIT #2008-0053

Planning Commission Meeting  
September 4, 2008

**ISSUE:** Consideration of a request for a special use permit to operate a day care center.

**APPLICANT:** Maria Bustinza

**STAFF:** Nathan Randall  
[nathan.randall@alexandriava.gov](mailto:nathan.randall@alexandriava.gov)

**LOCATION:** 501 North Henry Street

**ZONE:** CSL/Commercial Service Low

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**STAFF RECOMMENDATION:** Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



**SUP #2008-0053**

**09/04/08**



**I. DISCUSSION**

REQUEST

The applicant, Maria Bustinza, requests special use permit approval for the operation of a day care center located at 501 N. Henry Street.

SITE DESCRIPTION

The subject property is one lot of record with 44 feet of frontage on Oronoco Street, 117 feet of frontage on N. Henry Street and a total lot area of 5,210 square feet. The site is developed with a one-story commercial building. Access to the property is from N. Henry Street.



The surrounding area is occupied by a mix of residential and commercial uses. To the north are a vacant lot and a single-family residence, separated from the proposed day care parking lot by a public alley. To the south and east are residential townhouses. To the west is the Monarch condominium and ground-floor retail, the latter of which is currently vacant. To the southwest is a Shell gas station.

BACKGROUND

On December 12, 1998, City Council denied Special Use Permit #98-0123 for the operation of a restaurant at this location. Since that time uses of the property have included a salon and, most recently, the sales office for the Monarch condominium. The building is currently vacant.

On January 20, 2007, City Council approved Special Use Permit #2006-0096 for the operation of a day care center by the applicant at 917 Princess Street.

PROPOSAL

The applicant proposes to operate a day care center with up to 29 infants and toddlers.

Hours: Monday-Friday, 7:00am - 6:00pm

Number of children: 29 children

Ages of children: 2-18 months

- Pick-up/Drop-off: The subject property has an on-site parking lot containing 10 parking spaces. Parents will be instructed to use the on-site parking lot for pick-up and drop-off. Access to the parking lot is from N. Henry Street, while egress is onto N. Henry via a short portion of a public alley.
- Playground Area: Most of the children at this facility will be too young to play outside. They will be placed in strollers and walked outside. The older children (toddlers) will be taken to the existing playground at the American Day School operated by the applicant at 917 Princess Street.
- Noise: Minimal, since most children will be too young to play outside. Older children (toddlers) will be playing at the Princess Street playground.
- Trash/Litter: Trash will be collected once per week. The applicant is willing to increase this to twice weekly as needed.

#### PARKING

According to Section 8-200 (A)(11) of the Zoning Ordinance, a day care center requires two (2) parking spaces for every classroom. A day care center with two classrooms will be required to provide four off-street parking spaces. The subject property satisfies this requirement with 10 off-street parking spaces.

#### ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CSL/Commercial Service Low zone. Section 4-303(H) of the Zoning Ordinance allows a day care center in the CSL zone only with a special use permit.

The proposed use is consistent with the Braddock Road Metro Small Area Plan chapter of the Master Plan which designates the property for low-density commercial use.

## **II. STAFF ANALYSIS**

Staff supports the proposed child care center located at 501 N. Henry Street. Staff finds that the proposed child care center is a community-serving use that is appropriate for this site. Staff does not anticipate that the child care center will create any negative impacts for existing residents.

Sufficient parking is provided on-site for employees and for pick-up and drop-off of the children. Parents should not have to use on-street parking for drop-off and pick-up of children and are discouraged from doing so. Traffic flow through the parking lot will be

in a circular manner in one direction only. Vehicles would enter the parking lot from the curb cut off N. Henry Street and exit the parking lot via a very short portion of a public alley that intersects with N. Henry Street, north of the existing parking lot curb cut. Staff believes that this arrangement will be sufficient for the pick-up and drop-off of children and has included this traffic circulation pattern as a condition of SUP approval.

Staff believes that the proposed provision of playground space for this use will be sufficient. Because of the age of the children proposed for this facility, most children will not be playing outside. Most of the infants will be walked outside in strollers. For those toddlers old enough for outdoor playtime, they will be walked over to the existing playground at the American Day School at 917 Princess Street, located approximately 400 feet from this property.

Staff has included a number of standard conditions and a condition requiring a review of the day care center one year after approval. Staff also included a condition requiring that the on-site parking lot shall be utilized for pick-up and drop-off of children. With these conditions, staff recommends approval of the Special Use Permit.

### **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 day care center shall be limited to between Monday-Friday, 7:00am – 6:00pm. (P&Z)
3. The maximum number of children permitted at the child care facility at any one time shall be 29, subject to approval of the Licensing Division of the Virginia Department of Social Services. (P&Z)
4. The child care center program must complete the state child care licensing process before they begin serving preschool age children at this site. (P&Z)
5. The applicant shall require that the on-site parking lot be utilized for pick-up and drop-off of children and shall instruct parents not to use on street parking for pick-up and drop off. (P&Z)
6. Vehicles shall only enter the parking lot directly from N. Henry Street, shall circulate one-way through the lot, and shall exit via the public alley back onto N. Henry Street. (P&Z)
7. Only left-hand turns shall be permitted from the parking lot into the public alley. (P&Z)

8. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
9. The applicant shall encourage its employees 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. (P&Z)
10. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
11. 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)
12. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
13. Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
14. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
15. The applicant shall install a hand-washing sink adjacent to the diapering station(s). (Health)

16. The Virginia Department of Social Services (VDSS) Division of Licensing Programs (DOLP) licenses day care centers. It is recommended that the applicant check with them for the Commonwealth of Virginia's health and safety requirements regarding day care centers before they commence construction. (Health)
17. Existing landscaping on property shall be well maintained and be free of weeds, debris, and litter at all times. Replace dead or missing plants as needed. (Parks)
18. Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owner's front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1)(Parks)
19. The applicant shall contribute \$250.00 for one street tree to be planted in the nearby vicinity of the subject property. The monetary donation shall be submitted to the Department of Recreation, 1008 Jefferson St. within 60 days of City Council approval. (Parks)
20. New plantings shall be installed to screen the existing parking lot to the satisfaction of the Directors of Planning & Zoning and Recreation, Parks & Cultural Activities. Refer to the City's Landscape Guidelines, April 2007 for parking lot screening requirements. (Parks)
21. 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. This is to be completed prior to the child care center opening for business. (Police)
22. The applicant shall cover all electrical outlets with socket protectors. (Police)
23. The applicant shall devise safety measures (devices) on all exit doors that operate with a push-bar mechanism due to the fact that an unattended child could exit without detection by the staff. (Police)

**STAFF:** Richard Josephson, Deputy Director, Department of Planning and Zoning;  
Nathan Randall, Urban Planner.

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**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 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-2 Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
- R-3 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- F-1 Applicant indicates that drop-off and pickup will occur in parking lot on-site. (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.
- 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).

##### Code Enforcement:

- C-1 The current use is classified as B (Business); the proposed use is I-4 and E. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 103.3) and compliance with USBC 103.2 including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot

- plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-3 A certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 103.3.
  - C-4 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
  - C-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of the USBC.
  - C-6 Required exits, parking and accessibility for persons with disabilities must be provided to the building.
  - C-7 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11. Handicapped accessible bathrooms shall also be provided.
  - C-8 Smoke detectors shall be provided in all sleeping areas.
  - C-9 Fire extinguishers shall be provided at this facility.

Health Department:

- C-1 An Alexandria Health Department permit is required for all establishments that prepare, sell or serve food.
- C-2 Please submit an application for a food establishment permit (accompanied by the \$100 application fee) to the Alexandria Health Department's Environmental Health Division (4480 King Street, Suite #360) at least 30 days prior to the proposed opening date.
- C-3 Five sets of plans must be submitted to and approved by the Alexandria Health Department prior to construction. A listing of the food service equipment to be used in this food establishment and a menu of food items that will be served must be submitted with the plans. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food establishments. Please call Environmental Health Specialist Senior Joe Fiander at (703) 838-4400 ext. 255 if you have questions.

- C-4 Any area where food is stored, prepared or handled must be physically separated from the area where children are present.
- C-5 Any diapering areas must be physically separated from any areas where food is stored, prepared or served.
- C-6 Restrooms must meet Alexandria City Code, Title 11, Chapter 2 requirements.
- C-7 Smoking shall be prohibited in any part of this building used as a child day care center. (Code of Virginia, § 15.2-2801 B.)
- C-8 A successful pre-opening inspection of the food establishment by the Health Department must be completed prior to issuance of the food establishment permit.
- C-9 A food establishment permit must be obtained prior to operation.
- C-10 A “person in charge” must be present and on duty any time this food establishment is in operation. This person must be a Certified Food Manager (CFM).
- R-1 There should be a hand washing sink adjacent to the diapering station(s).
- R-2 The Virginia Department of Social Services (VDSS) Division of Licensing Programs (DOLP) licenses day care centers. It is recommended that the applicant check with them for the Commonwealth of Virginia’s health and safety requirements regarding day care centers before they commence construction.

Parks and Recreation:

- R-1 Existing landscaping on property shall be well maintained and be free of weeds, debris, and litter at all times. Replace dead or missing plants as needed.
- R-2 Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owner’s front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1)
- R-3 The applicant shall contribute \$250.00 for one street tree to be planted in the nearby vicinity of the subject property. The monetary donation shall be submitted to the Department of Recreation, 1008 Jefferson St. within 60 days of City Council approval.
- R-4 New plantings shall be installed to screen the existing parking lot. Refer to the City's Landscape Guidelines, April 2007 for parking lot screening requirements.

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. This is to be completed prior to the child care home opening for business.

SUP #2008-0053  
501 N. Henry Street

**REPORT ATTACHMENTS  
AVAILABLE IN THE PLANNING AND ZONING OFFICE**