Special Exception (SE) #24-03
1402 Winterland Ct.
Home-Based Child Daycare Use Use

Planning Commission Working Session
February 10, 2025

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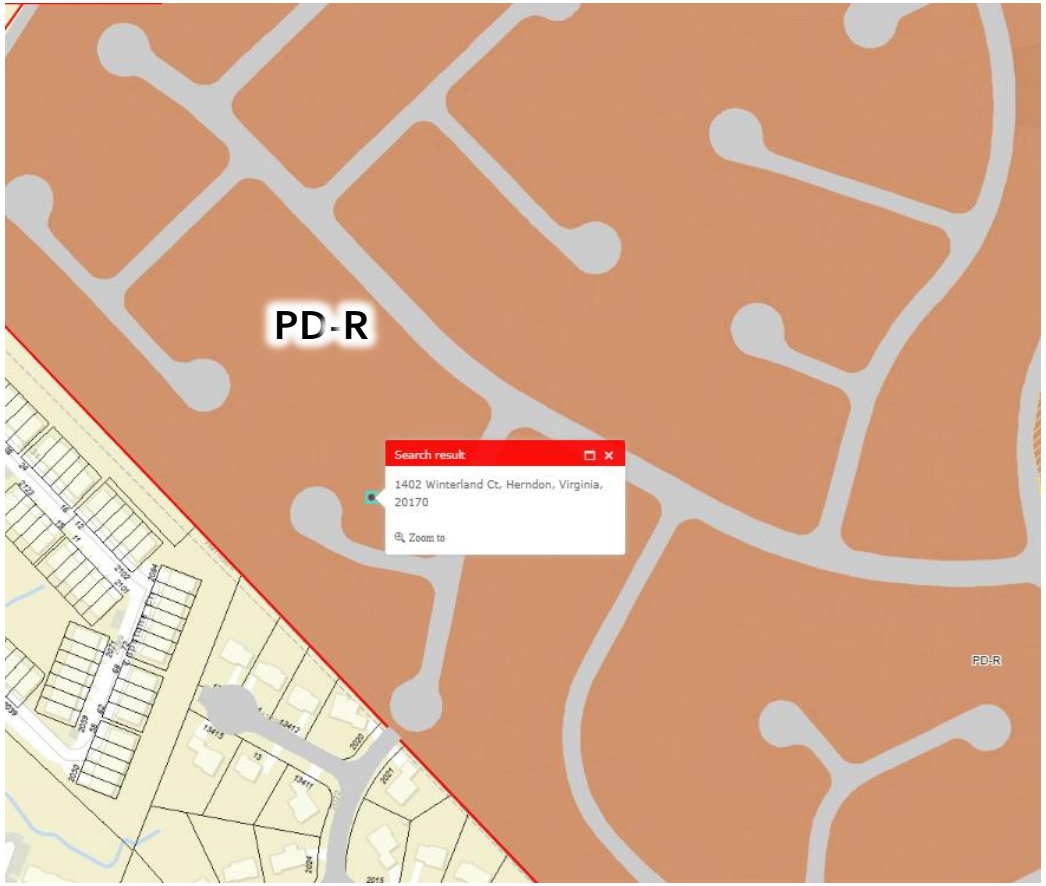
Aerial Photographs





The subject property is a PD-R, 11,959 sq. ft. residential lot featuring a primary dwelling unit with approx. 3,450 sq. ft. of above-grade living area.

Zoning Map and 2030 Comprehensive Plan Land Use Map





Existing Conditions

Applicant received approval of a Zoning Inspection Permit (ZIP#24-026) to operate a child daycare use with a max. of 7 clients at one time as a home-based business at the subject property. The town has not received any complaints for this address





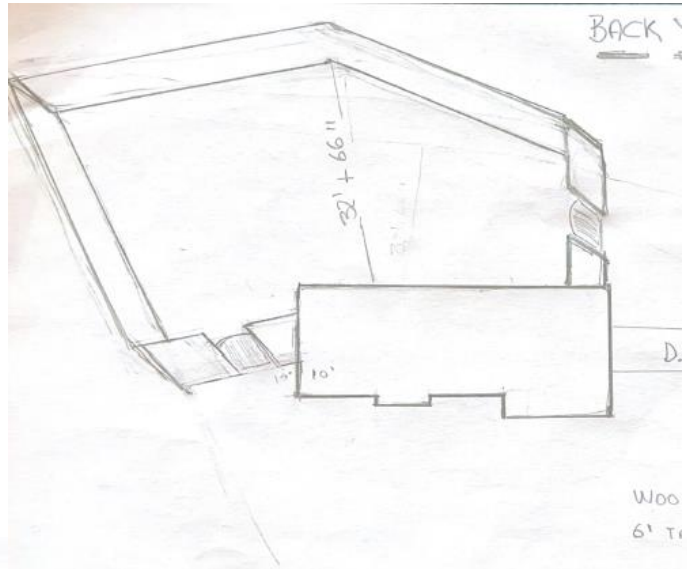


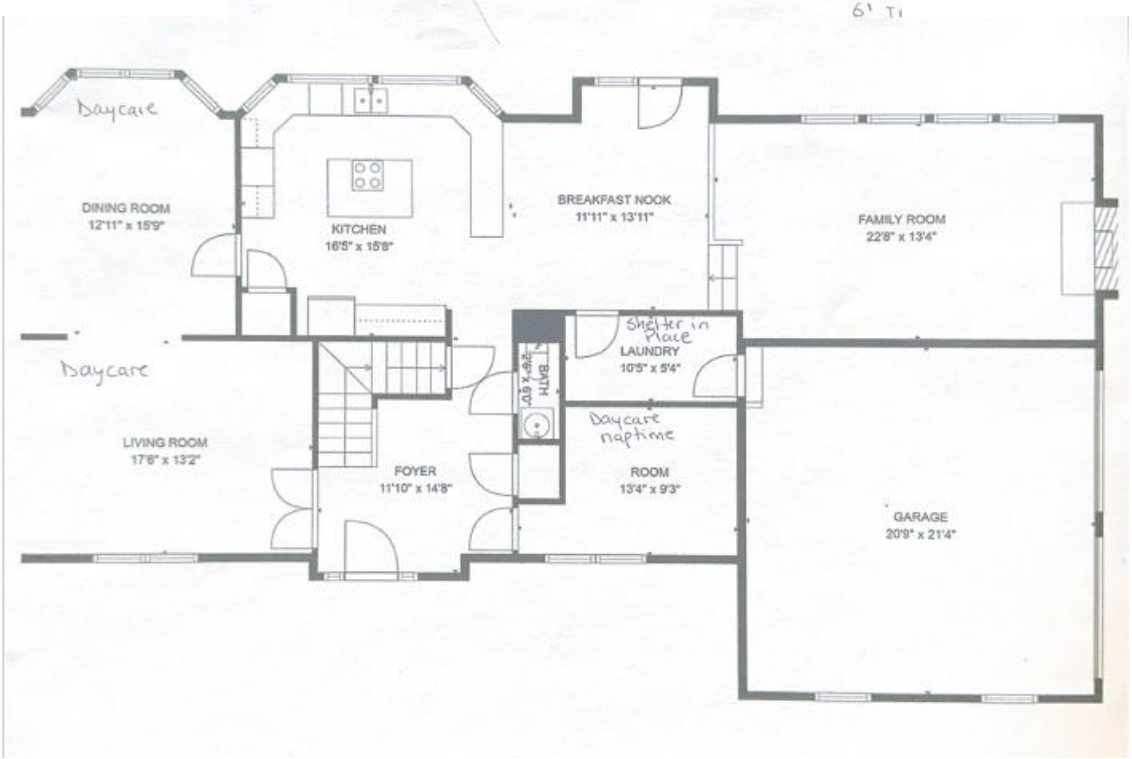
Proposed Special Exception

- Applicant seeks approval to increase the number of children permitted in their home-based childcare business to a max. of 12.
- The proposed use will provide care for children in 2 shifts, between 5:00 AM and 11:00 PM, with staggered pick-up and drop-off schedules.
- A Family Day Home, licensed by the Virginia Office of Child Care Health and Safety, allows up to 12 children to be cared for in a single-family residence.
- The zoning ordinance allows up to 7 children to be care for in a single-family residence with the approval of a Zoning Inspection Permit.
  - A maximum of 12 children may be cared for with the approval of a Special Exception.
  - The applicant is requesting 12 children to be cared for, as allowed by the Commonwealth of Virginia.

Proposed Operations

- Home-based childcare business: 2 shifts to accommodate families with diverse needs, Mon. to Fri.:
  - 1st Shift: 5:00 AM to 3:00 PM
  - 2nd Shift: 4:30 PM to 11:00 PM
- The childcare business is supported by a schedule that includes 1 employee working from 8:00 AM to 5:00 PM.
- Additionally, two assistants reside on-site and contribute to the daycare operations, ensuring continuous supervision and care for the children.
- Pick-up / drop-off schedule:
  - Morning Drop-Off: 5:00 AM to 7:30 AM
  - Afternoon Pick-Up: 2:00 PM to 4:00 PM
  - Afternoon Drop-Off: 4:30 PM to 5:00 PM
  - Night Pick-Up: 10:00 PM to 11:00 PM
- The proposed application satisfies the min. requirement of 75 sq. ft. of outdoor play area per child enrolled in the childcare business (900 sq. ft.).





Staff Analysis

- Zoning Ordinance compliance & Comprehensive Plan adherence
  - Purpose and intent of the PD-R Zoning District
- By-right uses versus special exception uses
- Use compatibility
- Parking analysis
- Potential impacts
- What conditions may mitigate and/or manage impacts

Impacts

- Denial of the Special Exception:
  - By-right uses (home-based business) remains.
  - Proposed business (childcare home-based business) would be permitted at the subject property/location; however, the maximum number of children at one time is 7.
  - ZIP#24-026 remains active.

- Approval of the Special Exception:
  - Daycare with maximum 12 children is permitted

Impacts

- Since the Planning Commission public hearing (February 24, 2025), staff have conducted site observations and further evaluated concerns regarding the proposed home-based childcare business.
- Particular attention was given to traffic impacts in the cul-de-sac and entrance and the applicant's plan to operate in two shifts.
- Commissioners suggested actions for both the applicant and the association, including opportunities for dialogue and consideration of any private agreements or Recreation Association bylaws that may influence the business.
- These considerations have informed the staff's analysis and recommendation on the special exception request.



Impacts





Observations Winterland Ct.

Observation	Date	Cars counted
1	2/27/2025 12:30pm – 2:30pm	0
2	2/28/2025 2:30pm – 4:00pm	1
3	3/06/2025 7:30am – 8:30am	1





Special Exception Conditions

#	Condition	Covered by language in the Zoning Code	Reason for Condition
1	Substantial conformance with the submitted application and plan submitted by applicant on November 26, 2024 and for the purpose of a daycare use only.	No	The site shall be developed and maintained in substantial conformance with a submitted special exception plan that is 33 percent or less of the gross floor area and in conformance with section 78-80.5. of the zoning ordinance.
2	Hours of Operation.	No	The permitted hours of operation shall be 5:00 a.m. until 11:00 p.m. Monday through Friday.
3	Number of Permitted Children.	No	The total number of children present on site for home-based child daycare use shall not exceed 12 at any one time. The ratio of employees to children as required by the state shall be maintained.
4	On-Site Play Area.	No	When playing outside all children shall be within the fenced playground area.
5	Child Drop-off and Pick-up.	No	Child drop-off and pick-up shall be limited to the curbside on the street adjacent to the subject property on Winterland. Double parking on Winterland Ct. is prohibited at all times.
6	Signage.	No	No signage shall be permitted.

Recommendations

- Staff recommend the Planning Commission approve the **Special Exception with conditions**.

After analyzing the concerns raised by Planning Commission members, the staff believes that enforcing the conditions based on observations will mitigate these concerns. A home-based business, childcare use has operated in similar locations since 2010 without relevant negative impacts on the adjacent units or surrounding neighborhood. The expansion of the number of children is minor enough not to generate potential negative impacts expressed in the Town Ordinance; however, failure to comply with the conditions may result in potential zoning violations and revoking the Special Exception.