Planning Commission Regular Meeting
Agenda Item 4.a.

Agenda Item: **Application for a Special Exception – SE #24-03, 1402 Winterland Ct., to consider a special exception to permit a home-based child daycare use within the PD-R, Planned Development-Residential, zoning district.**

Meeting Date: March 24, 2025

Category: Public Hearings

Prepared by: Fadrique Iglesias, Community Planner, David Stromberg, Zoning Administrator

Description:
Update for March 24 meeting: Upon further review of the zoning ordinance, staff confirms that the town council has the authority to grant a home-based business daycare accessory use that is not consistent with the standards of Section 78-80.5(b), Home-based business, childcare or daycare - Additional standards. The town council does not have the authority to increase the number of children enrolled per day, pursuant to Section 78-50.5(c)(b). Condition #3 has been changed to reflect the zoning ordinance limitations. Staff remains in support of the proposed hours of 5 AM to 11 PM,

This application is to consider a Special Exception to permit a home-based child daycare use within the PD-R, Planned Development-Residential, zoning district. The proposed use will increase the maximum number of children permitted at one time from 7 to 12. The property is zoned PD-R, Planned-Development Residential District. The property is designated in the Herndon 2030 Comprehensive Plan as "Neighborhood Conservation." The 11,959 square-foot lot is located on the north side of Winterland Court, west of its intersection with Tamani Drive. The single-family detached dwelling consists of approximately 3,450 square feet (above-grade living area).

Background:
The applicant applied for and received approval of a Zoning Inspection Permit (ZIP#24-026) to operate a child daycare use with a maximum of seven clients at one time as a home-based business at the subject property. ZIP#24-026 was issued on 09/30/2024 and the town has not received any complaints for this address.

The property is located near the intersection of Tamani Drive and Winterland Court, within the Four Seasons neighborhood. It is designated as “Neighborhood Conservation” in the Herndon 2030 Comprehensive Plan. The designation underscores the town's commitment to preserving and maintaining the character and quality of existing residential areas.

The subject property is a PD-R, 11,959 square feet residential lot featuring a primary dwelling unit with approximately 3,450 square feet of above-grade living area. This planned development residential zoning district is characterized by a mix of housing types designed to promote cohesive residential communities with convenient access to shared amenities.

The property's land use designation as a “Neighborhood Conservation” area emphasizes compatibility with surrounding residential uses. The proximity to Tamani Drive and Winterland Court provides convenient access for families utilizing the childcare service while maintaining the residential character of the area.

The zoning ordinance standards seek to balance the increased capacity for childcare services with considerations for traffic management, neighborhood compatibility, and adherence to zoning and planning regulations in the Town of Herndon.

UPDATE: 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 final analysis and recommendation on the special exception request.

Fiscal Impact:
None

Staff Recommendation/Next Steps:
Staff recommends 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.

Attachments:
1. Staff Report
2. Resolution (Proposed)
3. Plan, plat, and fence location, submitted by the applicant, on November 26, 2024.
4. Applicant´s Statement and Application
5. Legal Ad