TOWN OF Herndon VIRGINIA **Planning Commission Work Session**

STAFF REPORT

Agenda Item: Special Exception – SE #26-03, 310 Missouri Ave- Application to Permit a Home-Based Child Daycare Use within the R-10, Residential Single-Family District

Meeting Date: June 8, 2026

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Summary Information:

Proposed Modification	This is an application for a special exception to permit a home-based child daycare with a maximum of 12 children enrolled, operating from 6:00 a.m. to 10:00 p.m.
Address	310 Missouri Ave
Fairfax County Tax Map Number	0162 18110009
Owners	Barbara Lopez Otero, Justin A. Portillo-Lopez
Applicant	Barbara Lopez Otero
Business/Organization	Kemberly's Home Daycare LLC
Property Use	Residential
Zoning District	R-10, Residential Single-Family
Lot Size	11,572 square feet
Building Size	2,432 square feet of above-grade living area
Adjacent Zoning	North, South, West: R-10 Residential Single-Family East: PD-R, Planned Development Residential
Date of Construction:	1969
Comprehensive Plan Land Use Designation	Neighborhood Conservation

Background & Site Description:

310 Missouri Avenue is located between the east end of Mississippi Drive and Stuart Court.

The applicant applied and received approvals for Zoning Inspection Permit (ZIP) #26-008 and Zoning Inspection Permit (ZIP) #26-013 to operate a child daycare use as a home-based business with a maximum enrollment of seven clients at the subject

property. ZIP #26-008 was issued on September 22, 2025. ZIP #26-013 was issued on March 13, 2026. No complaints have been submitted to the town regarding the daycare.



The regulations of the R-10 district are "meant to encourage uses that would substantially complement the development of single-family detached dwellings and that would contribute to the quiet residential nature of the district." Sec. 78-30.2(a).

The property's designation as Neighborhood Conservation in the Town of Herndon 2030 Comprehensive Plan reflects the Town's intent to preserve and enhance the established character and quality of existing residential neighborhoods while allowing limited, compatible residential uses. The property's proximity to Herndon Parkway provides convenient access for families utilizing the childcare service while maintaining the residential character of the neighborhood.

Case Details & Proposed Operations:

The applicant seeks a Special Exception to increase the maximum number of children permitted in their home-based childcare business from seven (7) to twelve (12). The proposed use will operate between 6:00 a.m. and 10:00 p.m., Monday through Friday, with staggered pick-up and drop-off schedules to accommodate families with varying needs. Most children attend during a day session (approximately 7:00 a.m. to 5:00 p.m.). The applicant is requesting extended hours for the option of providing after-school and evening care.

The home-based childcare operation is proposed to take place primarily on the first level of the dwelling, within a dedicated area of approximately 265 square feet. Access to the childcare area will be through the main entrance. The first level includes one bathroom and a kitchen. The fenced rear yard of the property is approximately 5,500 square feet. At this time, Ms. Lopez-Otero is the sole employee of the childcare operation with her son providing assistance.

The proposed use will continue to operate under its existing conditions with respect to the space occupied by the business, facilities provided, and overall operations. The

exterior appearance of the building will remain unchanged. No additional impervious area or land disturbance is proposed.

Staff Analysis:

Under the regulations of the Virginia Office of Child Care Health and Safety, a licensed Family Day Home may care for up to twelve (12) children, exclusive of the provider's own children and any children residing in the home, within a single-family dwelling. The Town of Herndon Zoning Ordinance allows a maximum of seven (7) children, exclusive of the provider's own children and resident children, with approval of a Zoning Inspection Permit. Care for up to twelve (12) children is permitted with approval of a Special Exception.

Zoning Ordinance Compliance

The Zoning Ordinance has established additional standards for all home-based businesses. Sec. 78-80.5. The Town's Zoning Ordinance standards are intended to balance the provision of childcare services with considerations related to traffic management, neighborhood compatibility, and adherence with applicable zoning and planning regulations. Staff evaluated the criteria for review of Special Exceptions found in Zoning Ordinance Sec. 78-155.3(e). Criteria (a)–(e), and (g)–(i) were found to be applicable to the analysis.

	Criteria Section 78-155.3(e)(1)	Assessment	Reasoning
a.	Is consistent with the Comprehensive Plan.	Meets	The proposed use will be in conformance with the Comprehensive Plan policies on provision of good and services to the local community and positive economic benefits of new businesses.
b.	Is free of conflict with any provision of this chapter and related regulations or any other applicable local, state, or federal laws and regulations.	Meets	The proposed Special Exception uses are provisioned with the base zoning district and do not create any substantial conflicts with other regulatory requirements. The use and business operations will be conditioned to ensure the use continually meets the purpose and intent of the R-10, Residential Single-Family zoning district.
c.	Does not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.	Meets with conditions	The proposed uses are generally compatible with the site / neighborhood. The proposed conditions will limit the impact to parking and vehicle trips by restricting maximum number of clients.
d.	Consistent with the purpose and intent of the zoning district in which it is located or will improve compatibility among uses and will	Meets	The proposed conditions will remain compatible with the intent of the uses of the R-10 district.

	ensure efficient development within the town.		
e.	Minimizes adverse visual impact of the proposed use on adjacent lands.	Meets	The proposed conditions will not generate visual changes to the site.
g.	Minimizes adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and should not create a nuisance.	Meets with conditions	Staff recommended conditions to limit the distribution of customers to prevent negative impacts to parking, drop-off/pickup, and noise.
h.	Avoids significant adverse impacts on the property values of surrounding lands or substantially and permanently injures the use of neighboring property for those uses that are permitted in the zoning district.	Meets	The proposed use has virtually no external impacts and provides a needed community service.
i.	Does not significantly and adversely impact the natural environment, including but not limited to, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.	Meets	The proposed conditions will not involve any expansion of floor area or conversion of pervious area to impervious area.

Criteria (f) and (j) – (m) were found to be not applicable to the analysis because there are no physical alterations to the structure proposed and the building is not located within the floodplain overlay.

The Zoning Ordinance has also established standards for childcare or daycare uses as a home-based business. Sec. 78-80.5(b). The application complies with the requirements concerning the number of children and non-resident employees. Sec. 78-80.5(b)(1)&(2). The proposed application satisfies the minimum requirement of 75 square feet of outdoor play area per child enrolled in the childcare business. Sec. 78-80.5(b)(3). The applicant was not able to provide a plat demonstrating outdoor play area, as required by the Zoning Ordinance. Sec. 78-80.5(b)(3)(c). In lieu of a plat, a site visit was performed on May 20, 2026. The property is less than 1000 feet from Haley M. Smith Park which further supports the requirement for available play area. Sec. 78-80.5(b)(3)(d).

Comprehensive Plan Adherence

The proposal is consistent with the Herndon 2030 Comprehensive Plan Neighborhood Conservation Land Use Policies and encourages uses that provide a variety of goods and services as well as promotes economic development that helps increase employment and add to the community tax base.

Parking

The zoning ordinance does not require additional parking for a home-based daycare or any other home-based business.

Analysis of Conditions

Staff is recommending six conditions for this special exception, listed in the following conditions analysis table, consistent with previously approved special exceptions. Staff believes these conditions provide reasonable ways in which the existing childcare use can be expanded while properly mitigating potential impacts, as well as achieving the purpose and intent of the applicable zoning district.

1. 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 in conformance with Section 78-80.5 of the zoning ordinance.
2. The hours of operation are permitted to extend from 6:00 a.m. to 10:00 p.m.
3. The total number of children present on site for the home-based child daycare use shall not exceed 12 enrolled. The state-required ratio of employees to children shall be maintained.
4. All children enrolled in the daycare shall be within the fenced playground area when playing outside.
5. Child drop-off and pick-up shall be limited to the driveway or curb directly in front of the residence.
6. No signage shall be permitted.

Any violation of the aforementioned conditions or other sections of the Herndon Town Code shall be grounds for revoking the special exception pursuant to the manner described in Section 78-155.3(h).

Fiscal Impact:

None.

Planning Commission Alternatives:

The following alternatives are available to the Planning Commission for its decision on SE #26-03:

1. Recommendation for approval.

2. Recommendation for denial. The daycare continues its operations with seven children as a by-right use.

3. Continuance to the July 27, 2026, Planning Commission regular meeting.

Staff Recommendation:

Withholding a recommendation pending additional information from the applicant and input from the Planning Commission.