TOWN OF Herndon VIRGINIA

Town Council Regular Meeting
Agenda Item 5.b.

Agenda Item: **Resolution 25-G-27 to approve a Special Exception – SE #24-03, 1402 Winterland Court, to permit a home-based child daycare use within the PD-R, Planned Development-Residential, zoning district**

Meeting Date: April 22, 2025

Category: Public Hearings

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

Description:
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 would increase the maximum number of children enrolled per day from 7 to 12 and increase the hours of operation from 6:00 a.m. - 9:00 p.m., to 5:00 a.m. - 11:00 p.m. 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 enrolled, as a home-based business at the subject property. ZIP#24-026 was issued on 09/30/2024. The current operation provides daycare services between the hours of 6:00 a.m. and 9:00 p.m., which is the standard allowance per Sec. 78-80.5(b) Home-based business, childcare or daycare, and can be approved by town staff. To increase the number of children to 12 and extend the time requires a special exception. Special exceptions require review and recommendation by the Planning Commission and final action by the Town Council. Prior to planning commission consideration of this application, the town had not received any complaints related to the daycare for this address. The applicant is seeking the extended time to serve parents whose jobs require late hours.

The Four Seasons community 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, while supporting accessory uses associated with residential neighborhoods such as home-based businesses and permitted accessory dwelling units.

The subject property is zoned PD-R, and consists of an 11,959 square foot residential lot featuring a primary dwelling unit with approximately 3,450 square feet of above-grade living area. The property is located within the Four Seasons neighborhood near the intersection of Tamani Drive and Winterland Court. Winterland Court, a cul-de-sac accessed by seven properties, is located approximately 250 feet from the terminus of Tamani Drive. 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 notices for the public hearing were duly advertised in the *Fairfax County Times Newspapers* in the Friday, April 4 and April 11, 2025, editions.

Timing Update:
If this special exception is approved, with conditions as proposed, the applicant may commence operations in accord with the special exception following the approval and issuance of a new zoning inspection permit.

Strategic Focus Area:



Thriving Community

Fiscal Impact:
N/A

Legal Impact:
The zoning ordinance allows a home-based daycare for up to 12 children enrolled with the granting of a special exception permit by the town council, in accordance with Sec. 78-80.5.

Section 78-155.3 - Special exception, provides the town council with the authority to grant special exceptions and impose conditions upon the operation of the proposed use, provided that the use is allowed by special exception and that the town council, following consideration by the planning commission, determines that the proposed application meets the standards set forth in the zoning ordinance for special exceptions. The standards are provided in the accompanying staff report. Staff has proposed several conditions be imposed should this application be approved. The proposed conditions are discussed in the staff report and are included in the prepared resolution.

Staff Recommendation/Next Steps:
Staff recommends that the Town Council approve Special Exception, SE #24-03, with conditions per the prepared resolution.

Other options available to the Town Council include: approval of the special exception with a change to the proposed conditions; denial of the special exception, in which case the daycare can continue to operate with up to 7 children between the hours of 6:00 a.m. and 9:00 p.m.; or continuance of this item until the May 27, 2025, town council meeting.

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. PowerPoint
6. Legal Ad