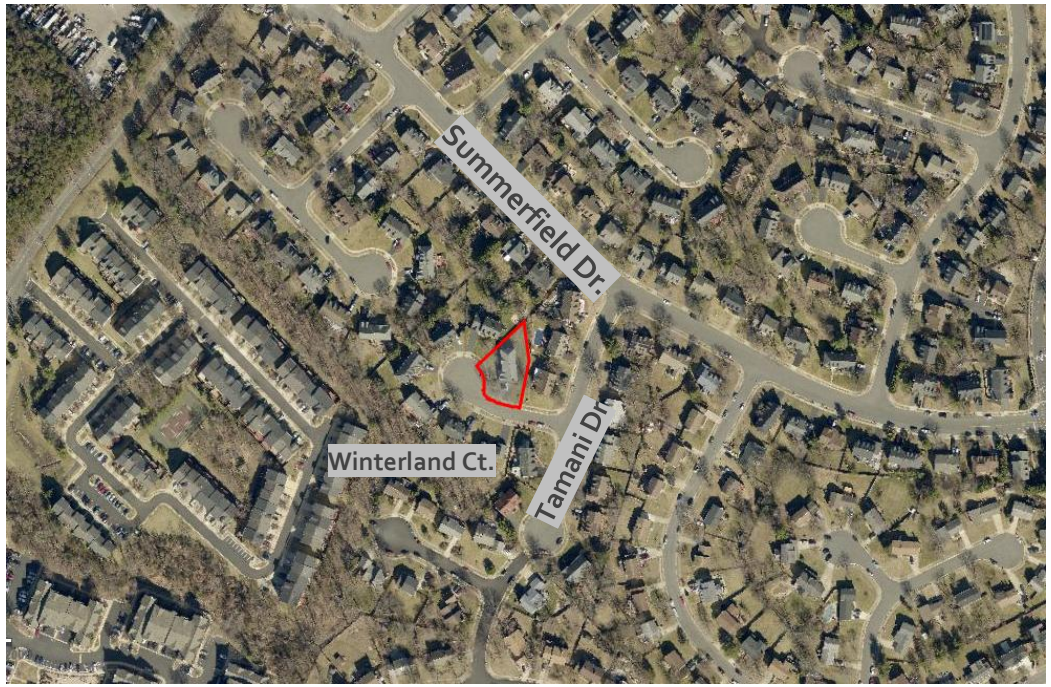
Special Exception (SE) #24-03

1402 Winterland Ct. Home-Based Child Daycare Use Use

Town Council Public Hearing - April 22, 2025

Fadrique Iglesias, Community Planner

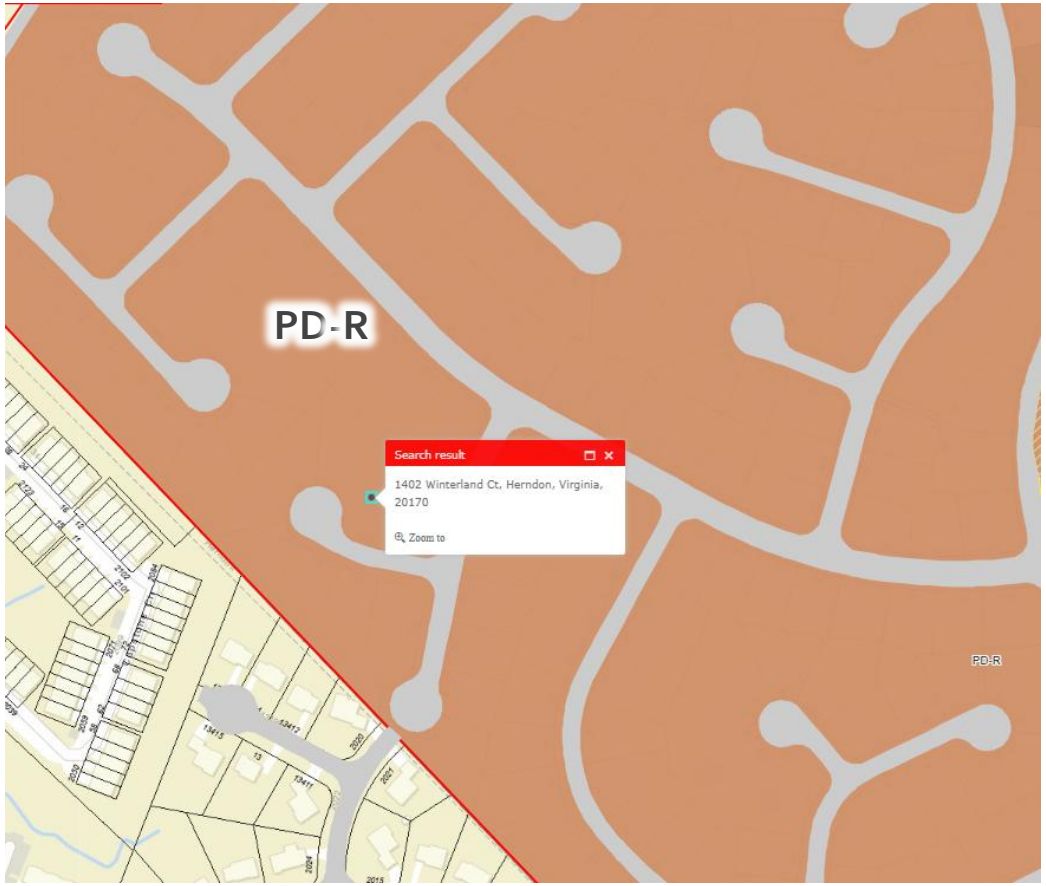
Aerial Photographs

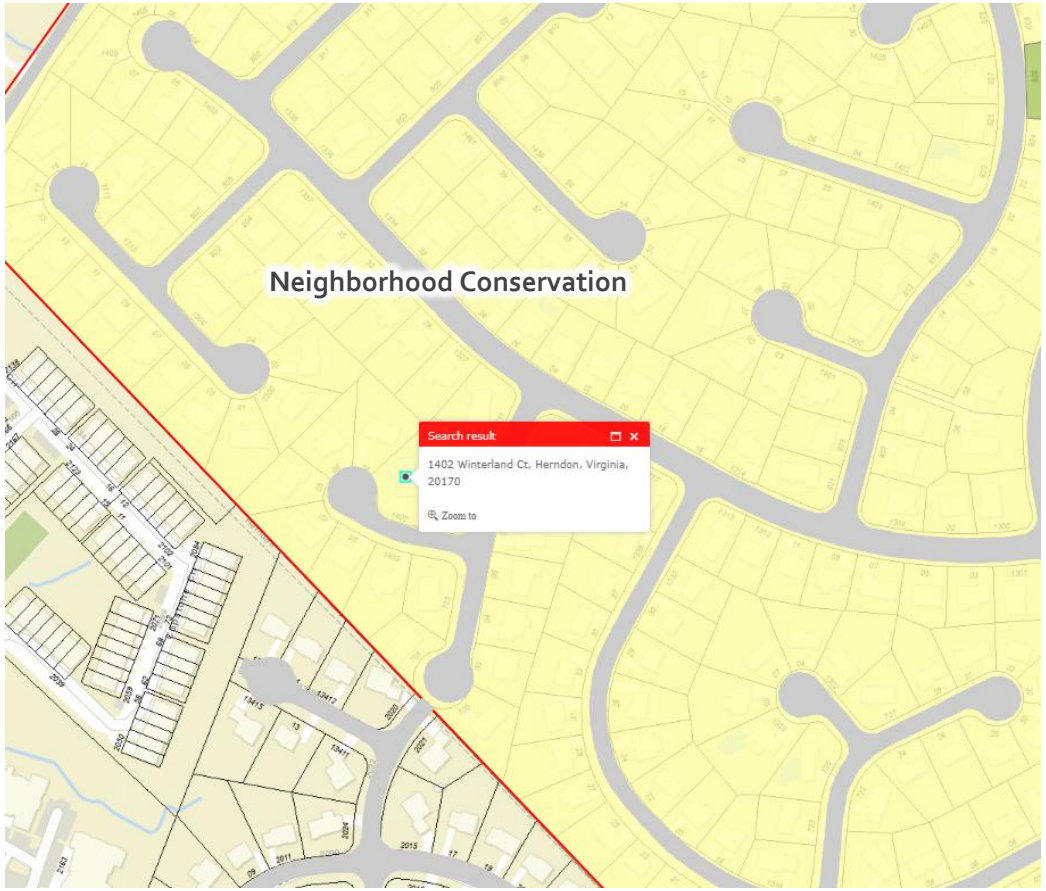




The subject property is a PD-R, 11,959 sq. ft. residential lot featuring a primary dwelling unit with approx. 3,450 sq. ft. of above-grade living area.

Zoning Map and 2030 Comprehensive Plan Land Use Map





Existing Conditions

- Maximum 7 children enrolled per day
- Allowed 6 AM – 9 PM
- Minimum 575 square-foot play area
- Must maintain Family Day Home License







Requested Special Exception Daycare

- Increase the number of children enrolled per day from 7 to 12
- Expand the hours of operation
  - Open time from 6 AM to 5 AM
  - Closing time from 9 PM to 11 PM



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
4	3/13/2025 5:15am – 8:45am	6



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 shall not exceed 12 enrolled children per day. 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 driveway or 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.

Recommendation

- Staff recommend the Town Council approve the **Special Exception with conditions**.

After considering the concerns raised during the Planning Commission Public Hearing, 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.