

**TOWN OF LEESBURG
NOTICE OF TOWN COUNCIL PUBLIC HEARING
TO CONSIDER SPECIAL EXCEPTION APPLICATION
TLSE-2012-0004
DAVIS CHILD CARE CENTER**

Pursuant to Sections 15.2-1427, 15.2-2204, 15.2-2205 and 15.2-2285 of the Code of Virginia, 1950, as amended, the **Leesburg Town Council** will hold a public hearing on **Tuesday, October 23, 2012 at 7:30 p.m.** in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia, 20176 to consider Special Exception Application TLSE-2012-0004, Davis Child Care Center.

The subject property is located at 547 Rockbridge Drive SE, an existing lot 0.14 acres in size that is zoned R-6, Moderate Density Residential District. The property is further described as Loudoun County Parcel Identification Number (PIN) 232-30-9451. The *Town Plan* designates this property as “Downtown” on the Land Use Policy Map.

Special Exception Application TLSE 2012-0004 is a request to allow a child care center use in an existing home that already houses a home daycare operation for up to 5 children. The proposed child care center would allow an increase in the number of children at the facility to a maximum of 12 subject to the use standards of Section 9.3.4 of the Zoning Ordinance.

Additional information and copies of this application are available at the Department of Planning and Zoning located on the second floor of the Leesburg Town Hall, 25 West Market Street, Leesburg, Virginia 20176 during normal business hours (Monday-Friday, 8:30 a.m. to 5:00 p.m.), or by contacting Irish Grandfield, Senior Planner, at 703-771-2766 or igrandfield@leesburgva.gov.

At these hearings, all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations at the Town Council meeting should contact the Clerk of Council at (703) 771-2733 three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.

**Ad to run:
10/10/2012
10/17/2012**



Date of Council Meeting: October 23, 2012

**TOWN OF LEESBURG
TOWN COUNCIL PUBLIC HEARING MEETING**

Subject: TLSE-2012-0004, Davis Child Care, a special exception application to permit a child care center at an existing home.

Staff Contact: Irish Grandfield, AICP, Senior Planner, Dept. of Planning & Zoning.

Recommendation: Staff recommends **conditional approval** of the proposed special exception subject to the conditions at the end of this report.

Issue: Should a special exception use be granted to allow a child care center use in an existing home at 547 Rockbridge Drive SE in the R-6 zoning district?

Fiscal Analysis: Approval of this application will generate additional business tax revenue to the Town.

Background: The Applicant, Ms. Deborah Davis is currently operating a child care use for fewer than 6 children at her home (547 Rockbridge Drive SE) consistent with the Town granted Home Occupation permit. Special Exception Application TLSE-2012-0004 is a request to allow a child care center use with up to 12 children. The property is designated as Loudoun County Parcel Identification Number (PIN) 232-30-9451.

The subject property is an existing lot 6,100 square feet in size that is zoned R-6, Moderate Density Residential District but was developed prior to current Zoning Ordinance regulations. As such, this property as well as all of the others in this subdivision is grandfathered with regard to meeting the currently required yard setbacks. Setback requirements are simply that each house must be located at least 10 feet from another house. The *Town Plan* designates this property as "Downtown" on the Land Use Policy Map.

Planning Commission Public Hearing and Recommendation: On September 20, 2012 the Planning Commission held a public hearing on the proposed use and recommended conditional approval by a vote of 4-0-3 (Burk, Hoover and Mayr absent). No members of the public spoke at the public hearing. The Commission asked questions about Virginia Department of Social Services requirements for indoor space and required number of employees. They also discussed the drop-off and pick-up arrangements, fenced outdoor play area, hours of operation and possibility of this child care center having as many as 12 children. Ms. Davis indicated that she has no intent of having 12 children at once and indicated that many of the children she watches are there for only part of the day. She also stated that she does not take infants and explained that she would hire a part time assistant if the number of children warranted such pursuant to the state licensing regulations. The Planning Commission requested clarification on termination of the

child care center use should Ms. Davis move from the premises. Staff developed an additional condition of approval (#8) to address this concern and the Planning Commission recommended approval to include this new condition on termination of use.

Staff Analysis: Staff notes the following findings:

- A. Compliance with TLZO Sec. 3.4.12:** The proposed use complies with the approval criteria of TLZO Sec. 3.4.12 (see pages 5 and 6 of the Planning Commission Staff Report – Attachment 1). There is no adverse impact on the use of neighboring properties as this site is already developed and currently used for child care. The traffic impact of having up to six additional children is limited and other potential impacts are largely contained within the home.
- B. Special Use Criteria:** TLZO Section 9.3.4 provides five specific use standards. Staff finds the proposed special exception use meets the child care center use standards of TLZO Section 9.3.4 as outlined in pages 6 and 7 of the Planning Commission staff report (Attachment 1).

Recommendation and Conditions: Staff recommends **approval** of TLSE-2012-0004 Davis Child Care, a special exception use for a child care center, subject to the following conditions:

- 1. Substantial Conformance:** Development of this special exception use shall be in substantial conformance with the attached property plat including the fenced play area as shown.
- 2. No Expressed or Implied Waivers:** Approval of the special exception does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual (DCSM) except as specifically approved by Town Council or as shown as approved by Town Council on the Special Exception Plat and supporting documents.
- 3. Recreational Area Fencing:** The fence at least four (4) feet in height shall be maintained in good repair to completely enclose the outdoor recreation area in accordance with TLZO Sec. 9.3.4.B.
- 4. Maximums:** The maximum number of children that may be cared for in a 24-hour period, excluding the children of the provider, is twelve (12). Children may range in age from less than one year to 12 years old. Applicant shall employ no more than one (1) additional person to help care for the 12 children.
- 5. Play Equipment Limitation:** No play equipment shall be located within the required yard setbacks in accordance with TLZO Sec. 9.3.4.C.

6. **Driveway Limitation:** Children shall be dropped off in the existing driveway and parents shall use the front walk way and front entrance to the home.
7. **Hours of Operation:** The facility shall operate only between the hours of 6:30 AM and 6:30 PM, Monday through Friday.
8. **Termination of Use:** This Special Exception shall be exclusive to the applicant and shall not run with the land. The use shall terminate in the event the applicant no longer resides at the property at 547 Rockbridge Dr. SE.

Attachments

1. Planning Commission Staff Report dated September 20, 2012
2. Written Statement of Justification
3. Special Exception Plat
4. Resolution



Date of Planning Commission Meeting: September 20, 2012

**TOWN OF LEESBURG
PLANNING COMMISSION PUBLIC HEARING**

Subject: TLSE-2012-0004, Davis Child Care, a special exception application to permit a child care center for up to 12 children at 547 Rockbridge Drive.

Staff Contact: Irish Grandfield, AICP, Senior Planner, Dept. of Planning & Zoning.

Recommendation: Staff recommends conditional **approval** of the proposed special exception subject to the conditions contained in this report.

- I. **ISSUE:** Should a special exception be granted to permit a child care facility with a maximum capacity of twelve (12) children in the R-6, Moderate Density Residential zoning district?

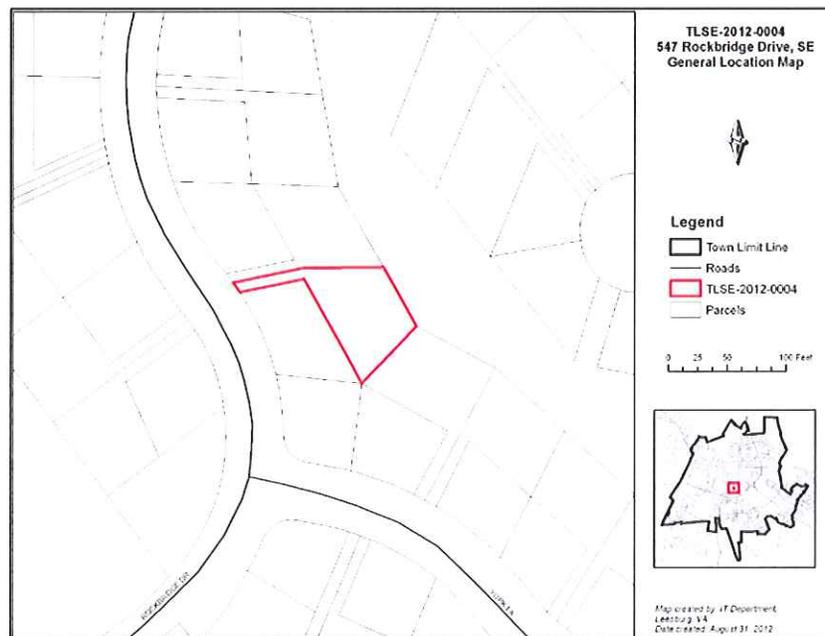


Figure 1. Application Property

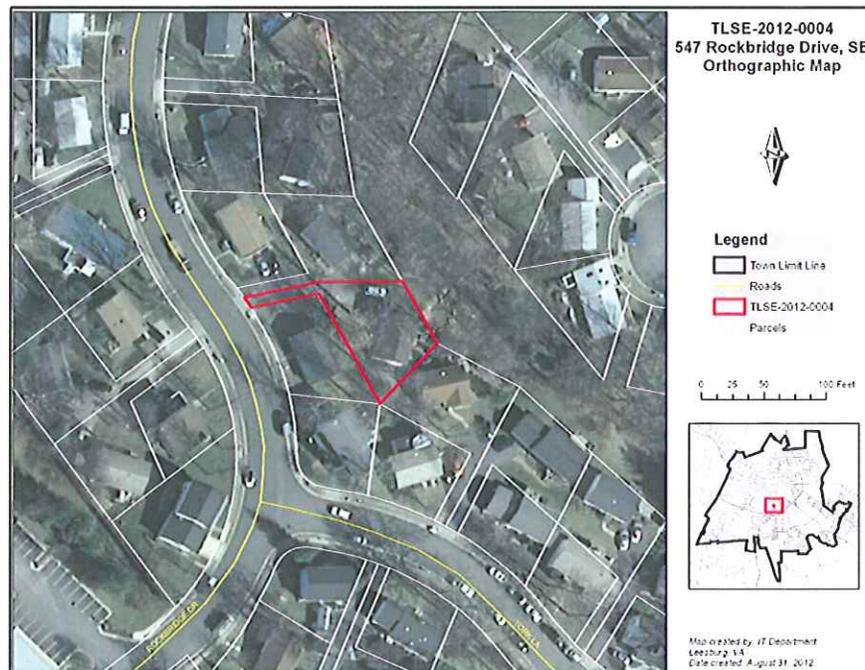


Figure 2. Aerial

- II. APPLICATION SUMMARY:** The Applicant, Ms. Deborah Davis, currently has a Home Occupation Permit for a home-based child care service permitting care for up to 5 children at her existing residence at 547 Rockbridge Drive SE. Special Exception Application TLSE-2012-0004 is a request to allow a “child care center” for up to 12 children in the R-6 zoning district. Facility hours of operation are Monday thru Friday, 6:30 am to 6:30 pm. The applicant has provided a Statement of Justification (Attachment 1) and property plat (Attachment 2) in support of the request. The State of Virginia has issued a license for the facility with enrollment of up to twelve children. The Applicant has two teenage children of her own, who are not counted toward the 12 child maximum by Town or State regulations.
- III. CURRENT SITE CONDITIONS:** The subject property is located at 547 Rockbridge Drive SE, an existing lot 0.14 acres in size that is zoned R-6, Moderate Density Residential District. The site is served by a shared driveway for this and three other homes providing access to Rockbridge Drive, a public street (see figure 2, Aerial View). The property is further described as Loudoun County Parcel Identification Number (PIN) 232-30-9451. The *Town Plan* designates this property as “Downtown” on the Land Use Policy Map.
- IV. ZONING HISTORY:** The property is zoned R-6, Moderate Density Residential District (see figure 3) but was developed prior to current Zoning Ordinance regulations. As such, this property as well as all of the others in this subdivision is

grandfathered with regard to meeting the currently required yard setbacks. Setback requirements are simply that each house must be located at least 10 feet from another house.

On April 13, 2012, Applicant was issued TLHO-2012-0062 to permit a home-based child care service for up to five (5) children that is currently operating from the home.

- V. **USES ON ADJACENT PROPERTY:** The surrounding property is zoned R-6, Moderate Density Residential District and consists of houses on six residential lots similar in size to the subject property. There is also a large open space parcel immediately to the rear of the subject property on its east side.

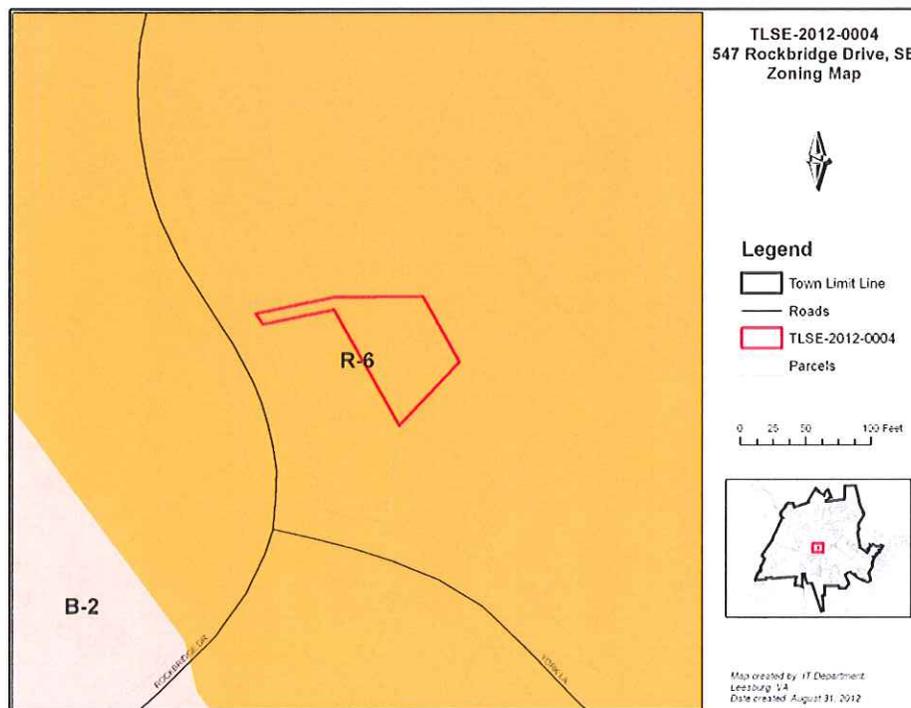


Figure 3. Zoning

- VI. **GENERAL BACKGROUND INFORMATION:** TLZO Sec. 9.4.3.C permits a home-based child care service of up to five (5) children, not counting those of the operator, in every residential district as a by-right home occupation. The Virginia Department of Social Services (VDSS), which regulates child care providers in Virginia, does not require a license for this use unless there are at least four children under the age of two receiving care. However, if a home-based provider wishes to have 6 -12 children in the home-based facility they *must* process a special exception application for a child care service in accordance with the Zoning Ordinance. That is what the Applicant is requesting in this case. Also, VDSS requires a “Family Day Home” license when the home provides care for six to 12 children (exclusive of the provider's own children and any children who

reside in the home). Applicant Davis received a probationary license for a Family Day Home on June 12, 2012.

Recently, the Virginia Department of Social Services (VDSS) changed its enforcement policy and is now requiring local day care providers to prove that they comply with local zoning laws before they will grant a day care license. The state rules always said providers had to comply with local zoning but before July 1, 2012 they did not always check for compliance. The VDSS ruling, which went into effect July 1, states that providers seeking new licenses are now required to have the local Zoning Administrator sign off on a form saying they have been informed of the provider's plan to seek a child care license. Applicant is pursuing this special exception to comply with both Town zoning laws and VDSS requirements.

VII. STAFF ANALYSIS

- A. **Town Plan Compliance:** The Town of Leesburg Zoning Ordinance (TLZO) Section 3.4.12 requires an assessment of how the proposed special exception use will comply with applicable provisions of the *Town Plan*. The following elements of the *Town Plan* are applicable given the Applicant's proposal.

The property is located in the *Town Plan's* Central Sector planning area and is identified on the *Town Plan* Land Use Policy Map as "Downtown" (see *Figure 4*). The principal guidance for this area is provided by Central Sector Objective 1 which states that all new development and redevelopment should reinforce the character of the Town (*Town Plan*, p. 40). No new development is proposed and staff believes the Applicant's proposal is in conformance with the goals and objectives of the *Town Plan*.

- B. **Transportation Analysis:** The applicant was granted a traffic impact analysis waiver based on the fact that the proposed use generates little traffic. Access to the site is provided via a shared driveway connection to Rockbridge Drive.
- C. **Utilities:** The site is served adequately by sewer and water.

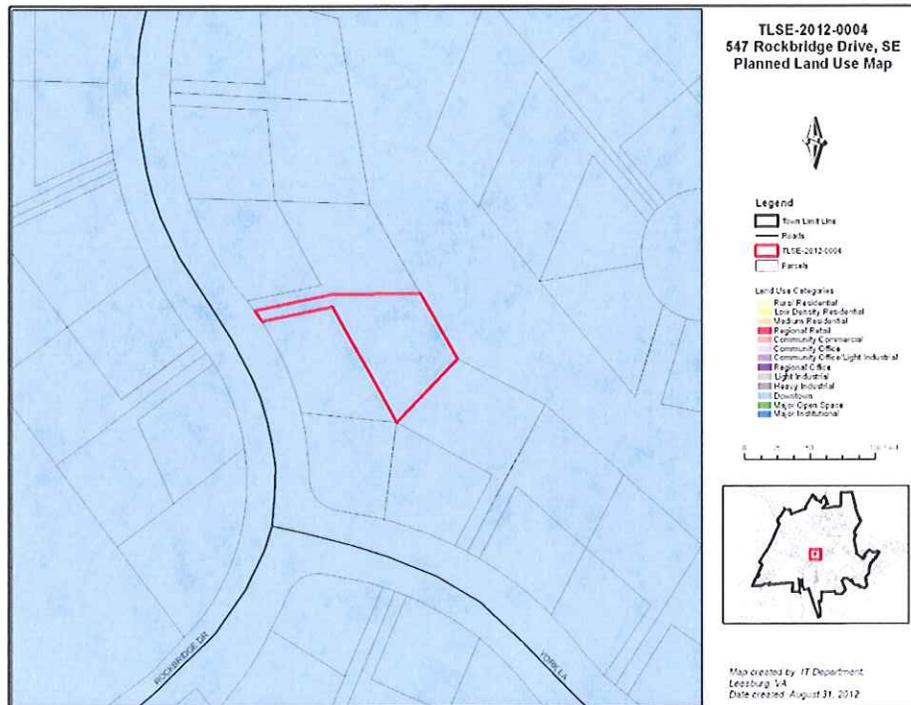


Figure 4. Town Plan Designated Land Use

D. Specific Use Standards for a Child Care Center: TLZO Section 9.3.4 provides the specific use standards discussed below:

- A. *Recreation Area* - A minimum area of 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time.

The lot is too small to provide a 1,200 square foot play area to accommodate the maximum twelve children simultaneously. The Applicant proposes to use an existing fenced area of 484 square feet as the recreational area and will allow no more than 4 children in the area at a given time. The play area is depicted on the special exception plat (see attachment 2).

- B. *Fencing* - A fence at least four (4) feet in height shall completely enclose the outdoor recreation area and that all persons entering the recreation area are within direct line of sight from the child care center classroom areas or from inside the building.

The special exception plat depicts the location of an existing 4-foot-tall split rail and wire fence, located in the side yard. The entrance to the play area is approximately 5 feet from the rear exit. There is no direct line of sight from the inside of the building to the play area. The applicant proposes to meet the

intent of this requirement by having her or her assistant stay with the children outside at all times when they are in the recreation area.

- C. Play Equipment - *No play equipment shall be located within the required yard setbacks.*

The applicant provided a plat depicting the location of existing play area which is not within the required yard setbacks.

- D. Recreation Location - *Outdoor recreation areas shall be safely separated from parking, loading and service areas such as dumpster pads.*

Staff finds that the recreation areas are safely separated from hazardous areas.

- E. Parking – *Parking areas shall be designated to enhance the safety of children as they arrive and depart the center. A Designated arrival and departure zone shall be located adjacent to the child care center in such a manner that children do not have to cross vehicle travel aisles to enter or exit the center.*

Parents will pull into the driveway to drop off their children one family at a time. Parents will use the front walkway and front entrance to the home which is separate from the driveway.

E. General Approval Criteria

Zoning Ordinance Section 3.4.12 establishes the following criteria for the Planning Commission and Town Council to use, in addition to other reasonable considerations, in making their decision regarding approval or disapproval of a special exception application. Listed below are the specific criteria with staff response.

- A. *“The proposed use will not adversely affect the use of neighboring properties.”* - The child care use is largely indoors. Occasional outdoor recreation for a limited number of children (four) is consistent with what occurs in residential neighborhoods. Because the use will mainly be indoors and the number of child drop-off and pick-up trips will be staggered, the use does not adversely impact neighboring properties.
- B. *“The use shall comply with applicable zoning district regulations and applicable provisions of the adopted Town Plan, including but not limited to the Plan’s Land Use Compatibility policies.”* - The facility conforms to the R-6 Zoning District regulations and is compatible with the planned “Downtown” land use.
- C. *The location, size, and, height of buildings, structures, walls, and fences, and the nature and extent of screening, buffering, and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings.* – The existing home will not

be enlarged and is compatible with the neighboring homes. Mature landscaping, screening, and buffering are in place including several mature trees and shrubs. The proposed use does not hinder or discourage development and use of adjacent or nearby properties.

- D. *"The proposed use will be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site."* – The day care use generates little traffic. Rockbridge Drive is sufficient to handle the estimated 24 trips per day spread out over several hours in the morning and afternoon. The applicant's Statement of Justification indicates that neighboring properties owners leave at varying times such that there are not conflicts with the shared driveway. The applicant has submitted a statement of consent from the three neighbors who share the driveway with her property (see Attachment 3). Staff finds that the proposal will not inhibit safe and convenient pedestrian and vehicular travel.

F. Conditions and Safeguards

Zoning Ordinance Section 3.4.14 grants Town Council the authority to impose conditions and safeguards deemed necessary for the protection of general welfare and individual property rights. Such conditions may relate to topics including hours of operation, landscaping & screening, access to the site, lighting, and noise. Staff is recommending a set of conditions of approval that are included in Section VII of this report.

VIII. Recommendation and Conditions of Approval:

Staff recommends **conditional approval** of TLSE-2012-0004, Davis Child Care Center subject to the following conditions:

1. Substantial Conformance:

Development of this special exception use shall be in substantial conformance with the attached property plat including the fenced play area as shown.

2. No Expressed or Implied Waivers:

Approval of the special exception does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual (DCSM) except as specifically approved by Town Council or as shown as approved by Town Council on the Special Exception Plat and supporting documents.

3. Recreational Area Fencing:

The fence at least four (4) feet in height shall be maintained in good repair to completely enclose the outdoor recreation area in accordance with TLZO Sec. 9.3.4.B.

4. **Maximums.** The maximum number of children that may be cared for in a 24-hour period, excluding the children of the provider, is twelve (12). Children may range in age from less than one year to 12 years old. Applicant shall employ no more than one (1) additional person to help care for the 12 children.
5. **Play Equipment Limitation.** No play equipment shall be located within the required yard setbacks in accordance with TLZO Sec. 9.3.4.C.
6. **Driveway Limitation.** Children shall be dropped off in the existing driveway and parents shall use the front walk way and front entrance to the home.
7. **Hours of Operation:**
The facility shall operate only between the hours of 6:30 AM and 6:30 PM, Monday through Friday.

IX. Sample Planning Commission Draft Motion

Approval:

I move that special exception application TLSE 2012-0004, Davis Home Care Center, be forwarded to Town Council with a recommendation of conditional approval, subject to the conditions of approval contained in the staff report dated September 20, 2012 on the basis that the approval criteria of Zoning Ordinance Sections 3.4.12 and 9.3.4 have been satisfied and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

Denial:

I move that special exception application TLSE-2012-0004, Davis Child Care Center, be forwarded to the Town Council with a recommendation of denial on the basis that the Approval Criteria of Zoning Ordinance Sections 3.4.12 and 9.3.4 have not been satisfied due to the following reasons:

(list findings)

Attachments

- a. Statement of Justification
- b. Property plat
- c. Neighbor consent exhibit

STATEMENT OF JUSTIFICATION

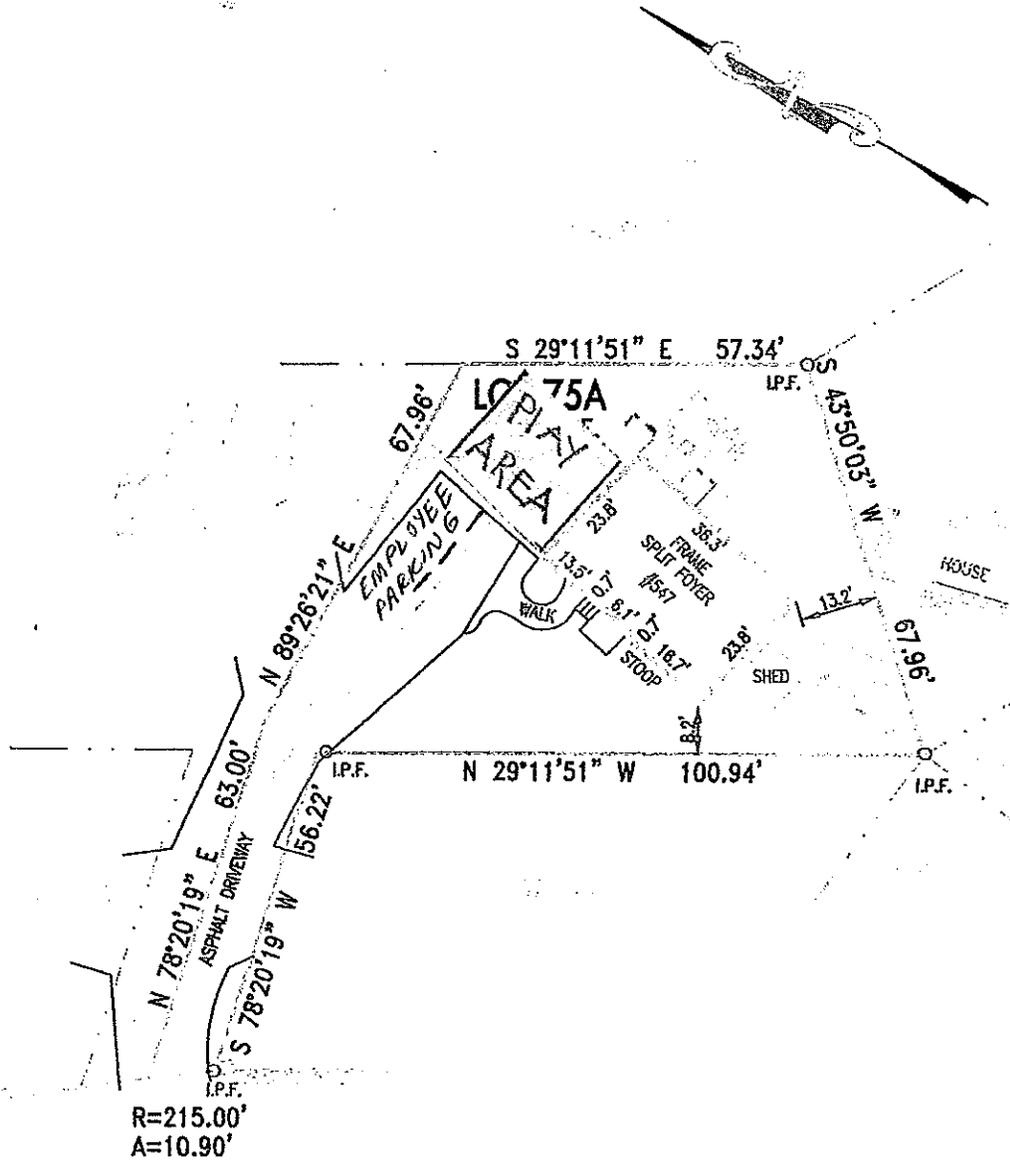
1. Request: I Deborah J Davis am requesting special exception approval to allow a "child care center" for up to 12 children in my home at 547 Rockbridge Drive SE, Leesburg.
2. Operation: My hours of operation would be Monday through Friday, 6:30AM until 6:30 PM. I would serve children 0-12 years old. Parents will pull into the driveway to drop off their children one care at a time. Parents will use the front walkway and front entrance to the home. Since my home is the last house at the end of the driveway, there will be no threat of ongoing traffic. Furthermore, this should not affect my neighbors whom I share a driveway with since all neighbors leave at different times to go to work, and work all day.
3. Employees: I will hire one employee in order to accommodate up to 12 children.
4. Parking: The staff member will use one of my two designated parking spaces in the driveway.
5. Fenced In Play Area: I have installed a 484 SF split rail and wire fence (the only fence acceptable to my HOA) in my back yard, which according to regulations would allow 4 children to be on the playground at once. The fence is 4 FT high. The entrance to the play area is approximately 5 feet from the rear exit.
6. Visibility/Safety: There are no windows on the side of the house where the fenced in play area is located, However, children will never be permitted to play in the yard without a staff member supervising them.



**Consumers First
Settlements, LLC**

20937 Ashburn Road
Suite 200
Ashburn, VA 20148

Telephone: (703) 722-0200
Fax: (703) 722-0200



ROCKRIDGE DRIVE, S.E.
50' R/W

R=215.00'
A=10.90'

I hereby certify that the location of all existing improvements have been carefully located by a transit and/or tape or electronic measuring device and, unless otherwise shown, there are no encroachments. This plat has been provided for a transaction on or about the date of this plat. This certification is limited to the parties of this transaction. This plat is furnished for informational purposes in the issuance of title insurance and is not to be used for any design or construction or to set property corners. The fence locations shown on this plat are approximate and are not certified as to relation to the property boundaries or ownership. The settlement agent has requested this survey pursuant to the terms of a contract of sale or in conjunction with a refinancing of the subject property at the owner's, prospective purchaser's, and/or lender's direction. The settlement agent has requested that only that information required for title insurance purposes be shown and does not certify to the accuracy or reliability of the information shown hereon. No title report has been furnished. This plat is subject to restrictions and easements of record. Boundary and other site information has been provided by others. I.P.F. indicates monuments used for location purposes. If no monuments were found, the existing improvements were located from the occupation of existing features. Any reproduction of this document that does not bear the original signature is an unauthorized copy and may violate U.S. copyright laws. Unauthorized copies may be in compliance with document survey requirements under Virginia State law.

June 7, 2012

Dear neighbors, as you know I have opened a home daycare center. I would like to increase the number of children allowed from 5 to 12 children.

I need your permission in order for the town of Leesburg to issue me a certificate of occupancy for 12 children.

The number will never be more than 12 children in my care at any one time. By signing this document, you are giving me your consent.

If there are ever any problems or concerns with the daycare center, please do not hesitate to contact me.

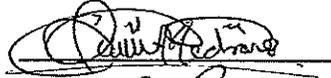
Deborah J Davis
547 Rockbridge Drive SE
Leesburg, VA. 20175
703-669-8654

Name

Signature

Address

Oscar Meza



545 Rockbridge Drive SE

Abrdeel Ahmad Abrewi



549 Rockbridge Drive SE

Ronald M. Cox



551 Rockbridge Drive SE

STATEMENT OF JUSTIFICATION

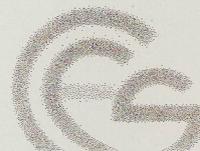
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2. Operation: My hours of operation would be Monday through Friday, 6:30AM until 6:30 PM. I would serve children 0-12 years old. Parents will pull into the driveway to drop off their children one care at a time. Parents will use the front walkway and front entrance to the home. Since my home is the last house at the end of the driveway, there will be no threat of ongoing traffic. Furthermore, this should not affect my neighbors whom I share a driveway with since all neighbors leave at different times to go to work, and work all day.
3. Employees: I will hire one employee in order to accommodate up to 12 children.
4. Parking: The staff member will use one of my two designated parking spaces in the driveway.
5. Fenced In Play Area: I have installed a 484 SF split rail and wire fence (the only fence acceptable to my HOA) in my back yard, which according to regulations would allow 4 children to be on the playground at once. The fence is 4 FT high. The entrance to the play area is approximately 5 feet from the rear exit.
6. Visibility/Safety: There are no windows on the side of the house where the fenced in play area is located, However, children will never be permitted to play in the yard without a staff member supervising them.

PROPERTY REPORT
LOT 75A

JOB NUMBER: 09-0087

SILVER OAKS
TOWN OF LEEBURG, LOUDOUN COUNTY, VIRGINIA
THE SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA.

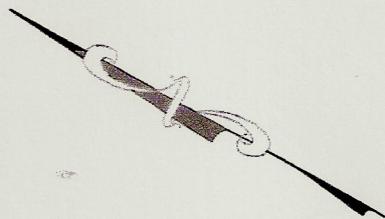
SCALE: 1"=30'
CASE NO.: CFS9-2059



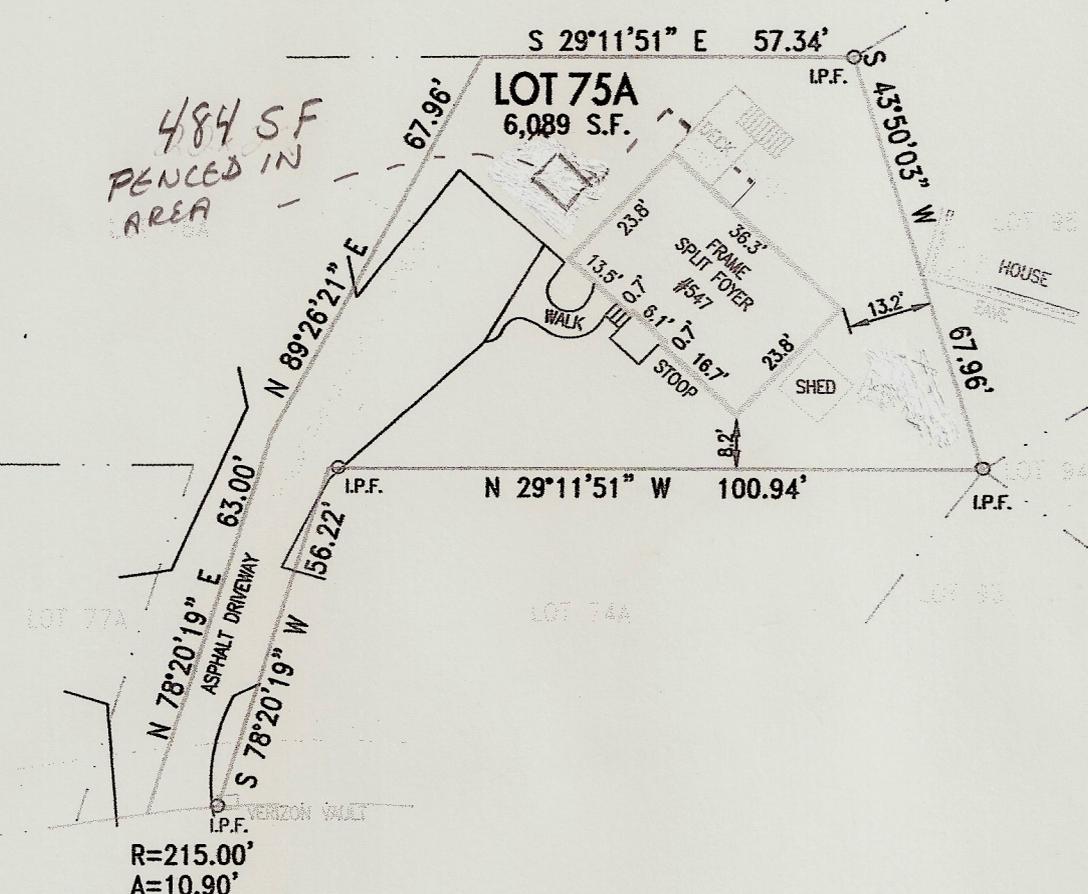
**Consumers First
Settlements, LLC**

20937 Ashburn Road
Suite 230
Ashburn, VA 20147

Telephone: (703) 720-0522
Fax: (703) 720-0533



484 SF
FENCED IN
AREA



R=215.00'
A=10.90'

ROCKRIDGE DRIVE, S.E.
50' R/W

I hereby certify that the position of all existing improvements have been carefully located by a transit and/or tape or electronic measuring device and, unless otherwise shown, there are no encroachments. This plat has been provided for a transaction on or about the date of this plat. This certification is limited to the parties of this transaction. This plat is furnished for informational purposes in the issuance of title insurance and is not to be used for any design or construction or to set property corners. The fence locations shown on this plat are approximate and are not certified as to relation to the property boundaries or ownership. The settlement agent has requested this survey pursuant to the terms of a contract of sale or in conjunction with a re-finance of the subject property at the owner's, prospective purchaser's, and/or lender's direction. The settlement agent has requested that only that information required for title insurance purposes be shown and does not certify to the accuracy of any of the information shown hereon. No title report has been furnished. This plat is subject to restrictions and easements of record. Boundary and other site information has been provided by others. \odot IPF indicates monuments used for location purposes. If no monuments were found the existing improvements were located from the occupation of existing features. Any reproduction of this document that does not bear an original signature is an unauthorized copy and may violate U.S. copyright laws. Unauthorized copies may not be in conformance with current survey requirements under Virginia State law and

PRESENTED: October 23, 2012

RESOLUTION NO. _____

ADOPTED: _____

A RESOLUTION: APPROVING TLSE-2012-0004, DAVIS CHILC CARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 232-30-9451 AND LOCATED AT 547 ROCKBRIDGE DRIVE S.E.

WHEREAS, Ms. Deborah Davis has requested special exception approval to permit a child care center use for up to twelve children in an existing home at 547 Rockbridge Drive S.E. in the R-6 zoning district on the property identified as Loudoun County Parcel Identification (PIN) number 232-30-9451; and

WHEREAS, the property is zoned R-6, Moderate Density Residential District; and

WHEREAS, the Planning Commission held a duly advertised Public Hearing on September 20, 2012 and recommended conditional approval; and

WHEREAS, Staff recommends conditional approval subject to the conditions dated October 23, 2012; and

WHEREAS, the Town Council held a duly advertised Public Hearing on October 23, 2012; and

WHEREAS, Town Council has determined the proposed use meets the special exception standards for a child care center set forth in the Zoning Ordinance; and

WHEREAS, Town Council has determined that the Approval Criteria of Zoning Ordinance Section 3.4.12 have been satisfied; and

A RESOLUTION: APPROVING TLSE-2012-0004, DAVIS CHILC CARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 232-30-9451 AND LOCATED AT 847 ROCKBRIDGE DRIVE S.E.

WHEREAS, Town Council has determined that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia that Special Exception application TLSE-2012-0004, Davis Child Care, is hereby approved to permit a child care center use for up to 12 children in an existing home at 547 Rockbridge Drive S.E. on the property identified as Loudoun County Parcel Identification (PIN) number 232-30-9451, subject to the following conditions:

1. **Substantial Conformance:** Development of this special exception use shall be in substantial conformance with the attached property plat including the fenced play area as shown.
2. **No Expressed or Implied Waivers:** Approval of the special exception does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual (DCSM) except as specifically approved by Town Council or as shown as approved by Town Council on the Special Exception Plat and supporting documents.
3. **Recreational Area Fencing:** The fence at least four (4) feet in height shall be maintained in good repair to completely enclose the outdoor recreation area in accordance with TLZO Sec. 9.3.4.B.
4. **Maximums:** The maximum number of children that may be cared for in a 24-hour period, excluding the children of the provider, is twelve (12). Children may range in age from less than one year to 12 years old. Applicant shall employ no more than one (1) additional person to help care for the 12 children.
5. **Play Equipment Limitation:** No play equipment shall be located within the required yard setbacks in accordance with TLZO Sec. 9.3.4.C.
6. **Driveway Limitation:** Children shall be dropped off in the existing driveway and parents shall use the front walk way and front entrance to the home.

A RESOLUTION: APPROVING TLSE-2012-0004, DAVIS CHILC CARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 232-30-9451 AND LOCATED AT 847 ROCKBRIDGE DRIVE S.E.

7. **Hours of Operation:** The facility shall operate only between the hours of 6:30 AM and 6:30 PM, Monday through Friday.
8. **Termination of Use:** This Special Exception shall be exclusive to the applicant and shall not run with the land. The use shall terminate in the event the applicant no longer resides at the property at 547 Rockbridge Dr. SE.

PASSED this 23rd day of October, 2012

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council