

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARING
TO CONSIDER SPECIAL EXCEPTION APPLICATION
TLSE-2012-0008
LADYBUG 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, December 11, 2012 at 7:30 p.m.** in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia, 20176 to consider Special Exception Application TLSE-2012-0008, Ladybug Child Care Center, a request to permit a child care center for up to 12 children at an existing residence.

The subject property is located at 812 Linfield Terrace in the Edwards Landing subdivision, an existing townhouse lot 0.05 acres in size that is zoned PRC, Planned Residential Community District. The property is further described as Loudoun County Parcel Identification Number (PIN) 187-10-9087. The *Town Plan* designates this property as “Low Density Residential” on the Land Use Policy Map.

Special Exception Application TLSE 2012-0008 is a request to allow a child care center subject to the standards of Section 9.3.4 of the Zoning Ordinance.

Copies of this application are available for inspection in the Office of the Clerk of Council at 703-771-2733 or by emailing lgreen@leesburgva.gov. Information and copies of this application are also 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:
11/28/2012
12/5/2012**



Date of Council Meeting: December 11, 2012

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

Subject: TLSE-2012-0008, Ladybug 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 be granted to allow a child care center use in an existing home at 812 Linfield Terrace NE in the PRC zoning district?

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

Background: The Applicant, Ms. Viktoriya Zubkova, has a Home Occupation Permit to operate a child care use for up to 5 children at her home (812 Linfield Terrace). Special Exception Application TLSE-2012-0008 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) 187-10-9087.

The subject property is an existing lot 2,200 square feet in size that is zoned PRC, Planned Residential Community District. The property is located in the *Town Plan's* Northeast Policy area and is identified on the *Town Plan* Land Use Policy Map as "Low Density Residential."

Planning Commission Public Hearing and Recommendation: On November 15, 2012 the Planning Commission held a public hearing on the proposed use and recommended conditional approval by a vote of 6-0-1. Six members of the public spoke at the public hearing and another provided written comments. Five of the six speakers spoke in favor of the application and asked for the Planning Commission to support approval. Two of those who supported approval are direct neighbors of Ms. Zubkova. One member of the public, who lives nearby, expressed concerns related to traffic safety and noise.

The Commission asked a question about the limit of seven children in the fenced rear yard play area. Staff indicated that seven (7) children at one time are allowed in the play area, not seven (7) total for the day. The applicant was asked whether she watched more than 5 children currently. Ms. Zubkova said she started with 5, got licensed for 12 by the state without realizing town regulations required a special exception for the increase. When she found out, she submitted this special exception application. One Commission member had some concern about limiting the

number of children in the play yard at one time due to enforceability of this provision. A commissioner also expressed concern about noise levels. In the end, the Planning Commission voted 6-0-1 in favor of recommending approval of the special exception request.

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 5-6 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 twelve 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 - 7 of the Planning Commission staff report (Attachment 1).

Recommendation and Conditions: Staff recommends **approval** of TLSE-2012-0008 Ladybug 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 special exception plat entitled “House Location Survey Lot 793, Section 10, Potomac Crossing” prepared by B.W. Smith and Associates, Inc. and dated 4/2/07 with the fenced play area indicated thereon.

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 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 existing 6-foot high solid wood fence in the rear yard 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. No more than seven (7) children shall be permitted in the recreational area at one time. The applicant shall employ no more than two (2) additional persons 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 parking area directly fronting the sidewalk near the 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 Viktoriya Zubkova no longer resides at the property at 812 Linfield Terrace NE.

Attachments

1. Planning Commission Staff Report dated November 15, 2012
2. Written Statement of Justification
3. Special Exception Plat
4. Resolution



Date of Planning Commission Meeting: November 15, 2012

**TOWN OF LEESBURG
PLANNING COMMISSION PUBLIC HEARING**

Subject: TLSE-2012-0008, Ladybug Child Care, a special exception application to permit a child care center for up to 12 children at 812 Linfield Terrace.

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 at 812 Linfield Terrace with a maximum capacity of twelve (12) children in the PRC, Planned Development Community zoning district?

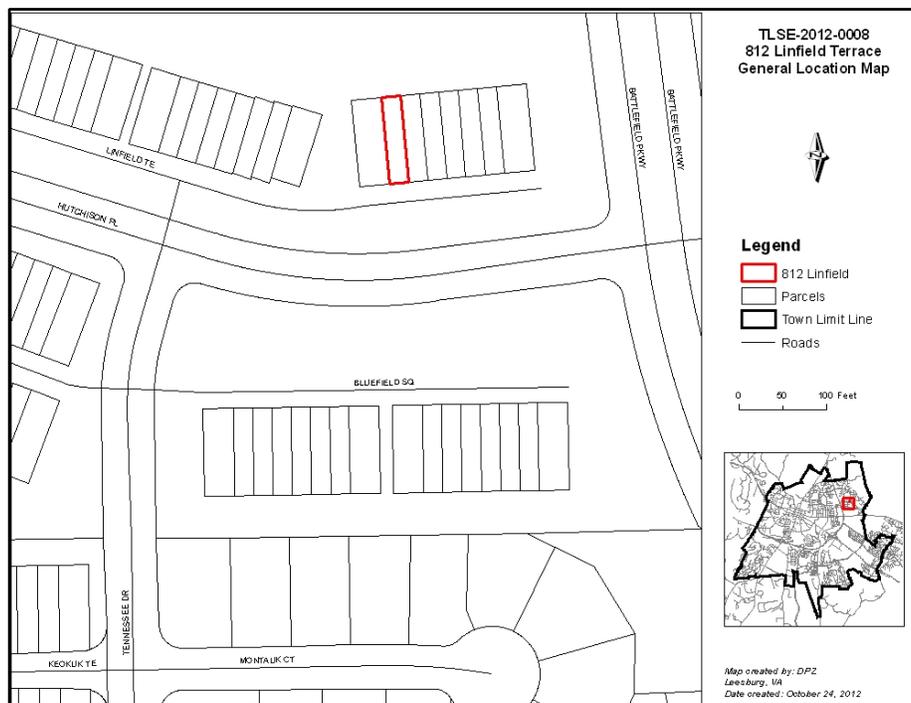


Figure 1. Application Property

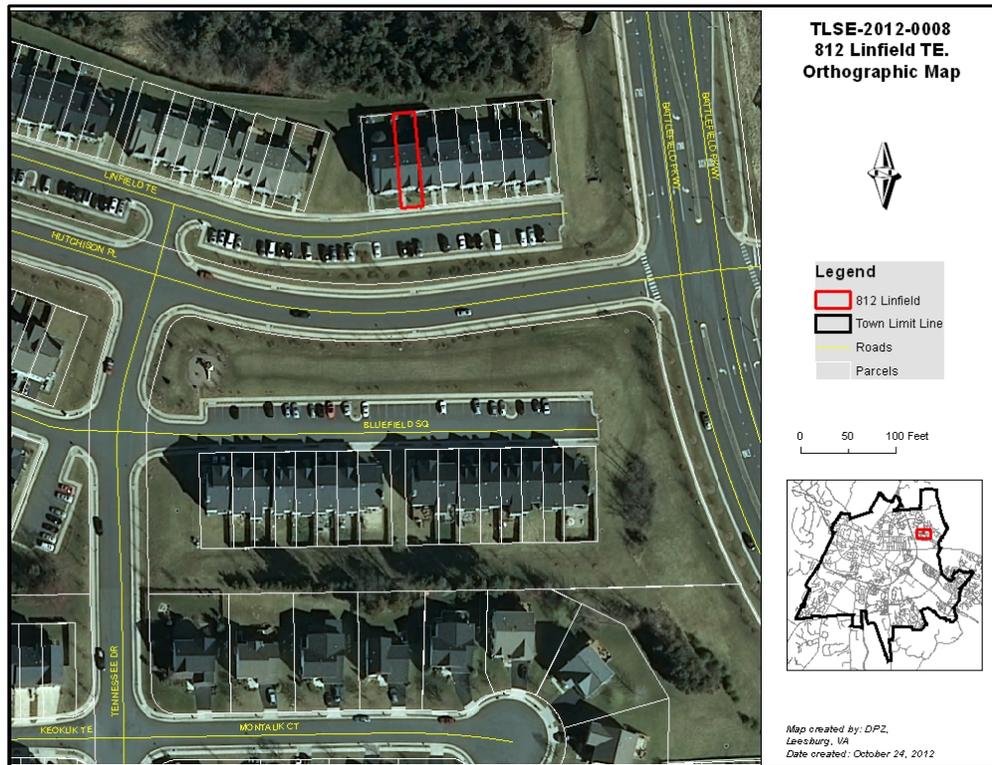


Figure 2. Aerial

II. APPLICATION SUMMARY: The Applicant, Ms. Viktoriya Zubkova, 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 812 Linfield Terrace SE. Special Exception Application TLSE-2012-0008 is a request to allow a “child care center” for up to 12 children in the PRC 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 Department of Social Services (VDSS) has issued a license for the facility with enrollment of up to twelve children. The Applicant has two school-age children of her own, who are not counted toward the 12 child maximum by Town regulations.

III. CURRENT SITE CONDITIONS: The subject property is located at 812 Linfield Terrace, an existing lot 0.14 acres in size that is zoned PRC, Planned Development Community District. Linfield Terrace is a private travel way serving three rows of townhouses (see figure 2, Aerial View). The property is further described as Loudoun County Parcel Identification Number (PIN) 187-10-9087. The *Town Plan* designates this property as “Low Density Residential” on the Land Use Policy Map.

- IV. **ZONING HISTORY:** The property is zoned PRC, Planned Development Community District (see figure3). Setback requirements are 0 feet for the front yard, 10 feet for side yards (on end units only), and 20 feet for the rear yard. The property meets setback requirements. The applicant was issued a permit in 2007 (TLHO-2007-0143) for a home-based child care service for up to five (5) children that is currently operating from the home. The Applicant is seeking this special exception to meet local zoning laws to permit up to 12 children to be cared for in the home.

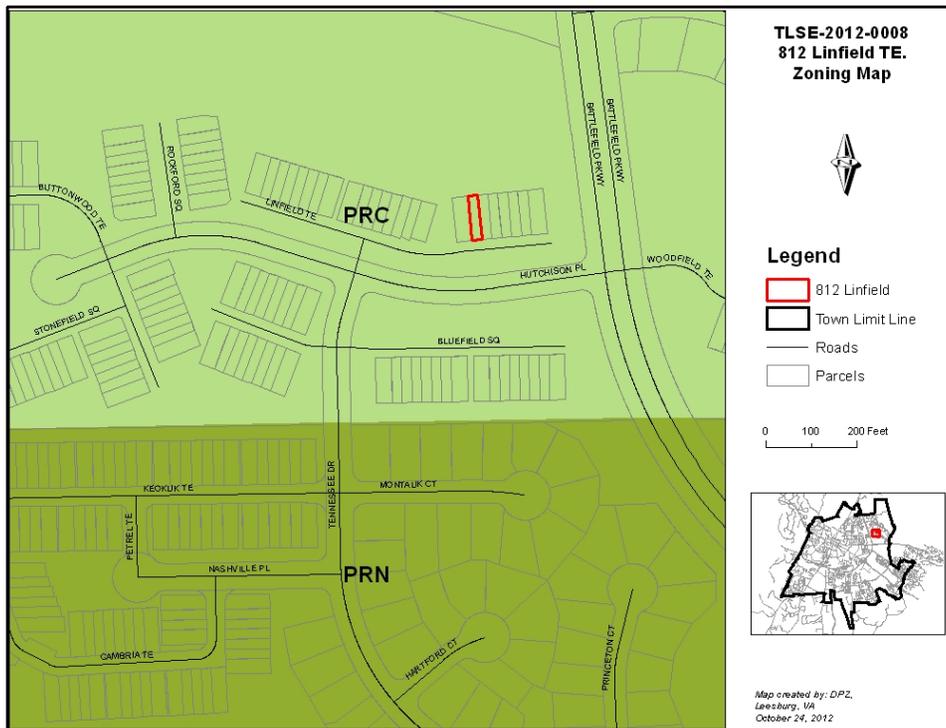


Figure 3. Zoning

- V. **USES ON ADJACENT PROPERTY:** The surrounding property is zoned PRC, Planned Development Community District and consists of townhouses similar in size and design to the subject property. There is also a large open space parcel belonging to the homeowners association immediately to the rear of the subject property.
- 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 currently holds a two-year VDSS license for a Family Day Home through October 2013.

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. **Scope of Consideration:** The Town has no jurisdiction over the operation of the childcare facility inside the home. VDSS regulates and regularly inspects the facility for compliance with an extensive list of requirements to protect child safety. The question for the Town is simply does the operation meet two sets of criteria:
- a. The 5 specific use criteria for a child care facility as listed in TLZO 9.3.4.
 - b. The 4 general approval criteria for special exceptions per TLZO 3.4.12.

Review and discussion of this special exception request should adhere to these standards and any conditions of approval must be directly related to these regulations. Note further that even if this special exception were to be approved the Applicant must comply with the conditions and restrictions of the homeowners association documents for Potomac Crossing regarding the use.

- B. **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 Northeast Policy area and is identified on the *Town Plan* Land Use Policy Map as “Low Density Residential” (see *Figure 4*). There is no specific guidance given for related to the proposed use. No new development is proposed and staff finds that the Applicant’s proposal is not inconsistent 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.

C. **Utilities:** The site is served adequately by sewer and water.

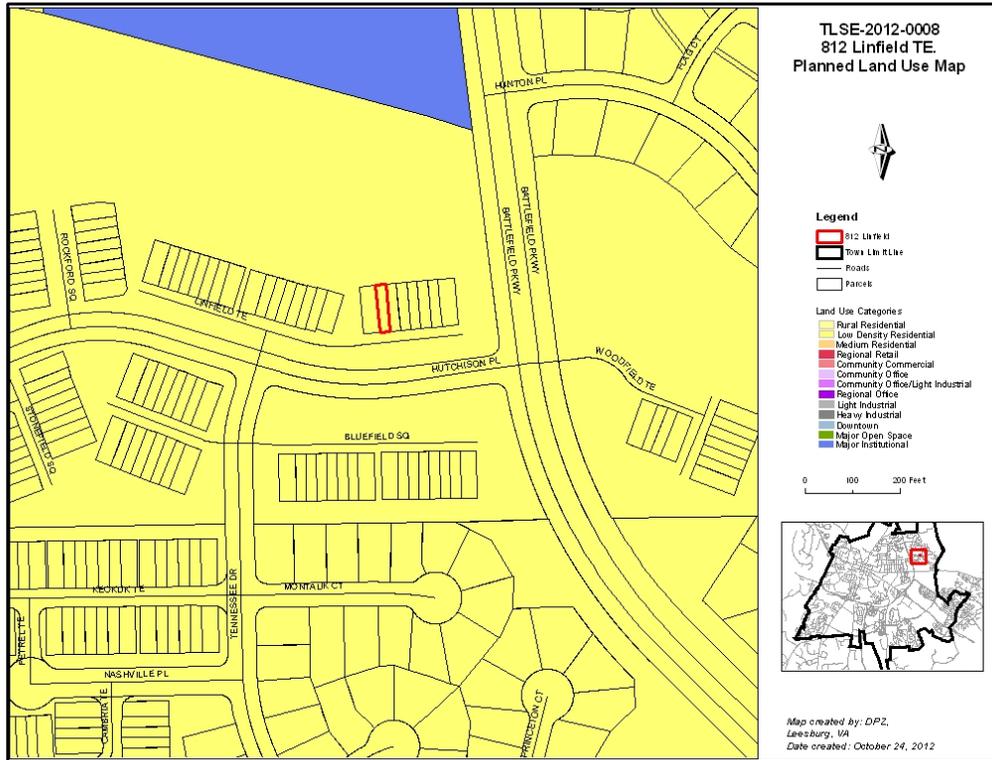


Figure 4. Town Plan Designated Land Use

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 Applicant proposes to use the existing fenced backyard 820 square feet in size. Pursuant to TLZO 9.3.4 no more than 80% of the required yard may be counted for purposes of calculating recreational area. In this case, the allowable recreation area consists of a total of 724 square feet. The applicant has agreed to a condition of special exception approval of allowing no more than 7 children in the area at a given time consistent with this Zoning Ordinance standard. 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 6-foot tall solid wood fence completely enclosing the back yard. The entrance to the play area is from the rear building first floor. There is a direct line of sight from the inside of the building to the play area consistent with the criteria.

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

The applicant has no permanent play equipment in the yard.

- 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 pull into parking spaces that directly front the sidewalk serving the facility. Parents use the sidewalk and front entrance to the home which is safely separated from the parking area.

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 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.”* – Subject to the proposed conditions of approval, the facility conforms to the PRC Zoning District

regulations and is compatible with the planned “Low Density Residential” 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. The front of the house is landscaped and the rear of the home is enclosed by a six-foot tall fence. 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. Linfield Terrace is sufficient to handle the estimated 24 trips per day spread out over several hours in the morning and afternoon. 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-2012-0008, Ladybug 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 existing 6-foot high solid wood fence in the rear yard 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. No more than seven (7) children shall be permitted in the recreational area at one time. The applicant shall employ no more than two (2) additional persons 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 parking area directly fronting the sidewalk near the 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 812 Linfield Terrace NE.

IX. Sample Planning Commission Draft Motion

Approval:

I move that special exception application TLSE 2012-0008, Ladybug 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 November 15, 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-2012-0008, Ladybug 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 as follows:

(list findings)

Attachments

- a. Statement of Justification
- b. Property plat

Written statement

Viktoriya Zubkova, Ladybug Family Daycare
812 Linfield terr., Leesburg ,VA.

My hours of operation are from 7am-6pm, and I have two helpers throughout the day.

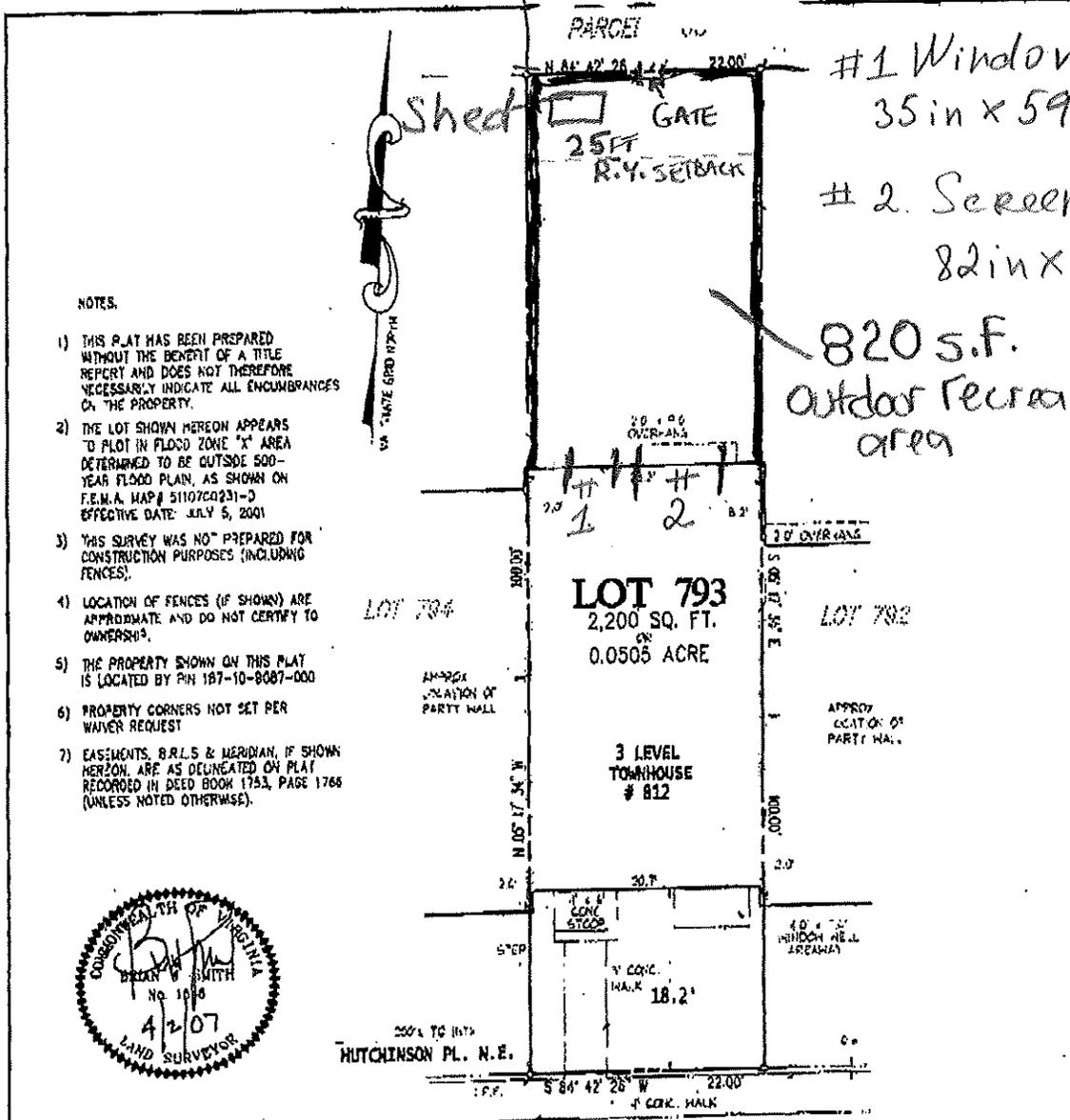
In the mornings some parents walk to my house, because they leave close. Also I have siblings that come together in the morning. This all helps not take up parking. Most of the kids come from 8-9 a.m. when parking is empty, and go home before it is full. All of this helps make parking smooth and a none-issue.

I have 12 kids in the daycare, 2 of them go to school at 7:50 a.m.

One of the 12 only comes at 3:00p.m. on the bus, after school.

I have 3-4 babies. The rest of the toddlers study in the mornings in 2 groups, every group has 2-3 kids. When one group is studying the other goes outside, or on a walk. So there are no more then 3 kids in the backyard at the same time.

About 10 feet of forest.
About 10 feet of lawn



NOTES.

- 1) THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- 2) THE LOT SHOWN HEREON APPEARS TO BE IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAN, AS SHOWN ON F.E.M.A. MAP # 51107C0231-0 EFFECTIVE DATE: JULY 5, 2001
- 3) THIS SURVEY WAS NOT PREPARED FOR CONSTRUCTION PURPOSES (INCLUDING FENCES).
- 4) LOCATION OF FENCES (IF SHOWN) ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP.
- 5) THE PROPERTY SHOWN ON THIS PLAN IS LOCATED BY PIN 187-10-8087-000
- 6) PROPERTY CORNERS NOT SET PER WAIVER REQUEST
- 7) EASEMENTS, B.R.L.S & MERIDIAN, IF SHOWN HEREON, ARE AS DELINEATED ON PLAN RECORDED IN DEED BOOK 1753, PAGE 1766 (UNLESS NOTED OTHERWISE).



LINFIELD TERRACE N.E.

HOUSE LOCATION SURVEY
LOT 793
 SECTION 10
POTOMAC CROSSING
 CATOCTIN ELECTION DISTRICT
 TOWN OF LEESBURG
 LOUDOUN COUNTY, VIRGINIA

(PRIVATE)
 INGRESS/EGRESS ESMT.
 PARCEL "100"

- LEGEND:
- I.P.F. DENOTES IRON PIPE FOUND
 - X- DENOTES FENCE LINE
 - T.E.A.C. DENOTES OVERHEAD TELEPHONE, ELECTRIC, AND CABLE LINES
 - B.R.L. DENOTES BUILDING RESTRICTION LINES
 - N/F DENOTES NOW OR FORMERLY

B.W. SMITH AND ASSOCIATES, INC.		FIELD CREW: D. ARMSTRONG	
PROFESSIONAL LAND SURVEYING MANASSAS, VIRGINIA (703) 368-5866 (800) 682-0986		JOB# 20071173	
DFI: B.O.F.	CHK: A.U.S.	NO TITLE REPORT FURNISHED	SCALE= 1" = 10'
RCS #PL7-4385		ZUBKOV & ZUBKOVA / SPALDING	
		DATE: 4/2/07	

PRESENTED: December 11, 2012

RESOLUTION NO. _____

ADOPTED: _____

A RESOLUTION: APPROVING TLSE-2012-0008, LADYBUG CHILD CARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 187-10-9087 AND LOCATED AT 812 LINFIELD TERRACE N.E.

WHEREAS, Ms. Viktoriya Zubkova has requested special exception approval to permit a child care center use for up to twelve children in an existing home at 812 Linfield Terrace N.E. in the in the PRC zoning district on the property identified as Loudoun County Parcel Identification (PIN) number 187-10-9087; and

WHEREAS, the property is zoned PRC, Planned Residential Community District; and

WHEREAS, the Planning Commission held a duly advertised Public Hearing on November 15, 2012 and recommended conditional approval; and

WHEREAS, staff recommends conditional approval subject to the conditions dated December 11, 2012; and

WHEREAS, the Town Council held a duly advertised Public Hearing on December 11, 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-2012-0008, LADYBUG CHILD CARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 187-10-9087 AND LOCATED AT 812 LINFIELD TERRACE N.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-2012-0008, Ladybug Child Care, is hereby approved to permit a child care center use for up to 12 children in an existing home at 812 Linfield Terrace N.E. on the property identified as Loudoun County Parcel Identification (PIN) number 187-10-9087, 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 existing 6-foot high solid wood fence in the rear yard 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. No more than seven (7) children shall be permitted in the recreational area at one time. The applicant shall employ no more than two (2) additional persons 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 parking area directly fronting the sidewalk near the front entrance to the home.

A RESOLUTION: APPROVING TLSE-2012-0008, LADYBUG CHILD CARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 187-10-9087 AND LOCATED AT 812 LINFIELD TERRACE N.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 812 Linfield Terrace NE.

PASSED this 11th day of December, 2012

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council