

**TOWN OF LEESBURG
NOTICE OF TOWN COUNCIL PUBLIC HEARING
TO CONSIDER SPECIAL EXCEPTION APPLICATION
TLSE-2013-0008
SIMRAN HOME DAYCARE**

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, June 11, 2013 at 7:30 p.m.** in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia, 20176 to consider Special Exception Application TLSE-2013-0008, Simran Home Daycare a request to permit a child care center for up to 12 children at an existing residence.

The subject property is located at 712 Vista Ridge Drive, Leesburg, Virginia 20176 in the Potomac Crossing subdivision on an existing single family detached lot 0.19 acres in size that is zoned PRC, Planned Residential Community District. The property is further described as Loudoun County Parcel Identification Number (PIN) 148-28-8719 and Loudoun County Tax Map Number /49//49///161/. The Town Plan designates this property as “Low Density Residential” on the Land Use Policy Map.

Special Exception Application TLSE 2013-0008 is a request to allow a child care center subject to the 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.



Date of Council Meeting: June 11, 2013

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

Subject: TLSE-2013-0008, Simran Home Daycare, 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 712 Vista Ridge Drive NE in the PRC zoning district?

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

Background: The Applicant Kulvir Singh Saggi is requesting Special Exception approval on behalf of his wife to allow a home-based “Child Care Center” for up to 12 children in the PRC zoning district at 712 Vista Ridge Drive. The property is designated as Loudoun County Parcel Identification Number (PIN) #148-28-8719.

The subject property is an existing single family detached residence at 712 Vista Ridge Drive NE. in the Potomac Station planned development community. The lot is 0.19 acres in size. The *Town Plan* designates this property as “Low Density Residential” on the Land Use Policy Map.

Planning Commission Public Hearing and Recommendation: The Planning Commission held a public hearing on May 16, 2013 and at the conclusion of the hearing passed a motion recommending conditional approval of the application. No members of the public spoke but the applicant did submit five letters of support from neighbors. The Commission discussed the safety of the rear entrance noting that children could be protected from accidentally falling down the outdoor rear stairwell if the applicant would provide a baby gate or other similar device to block the stairs. While the Planning Commission did not request an additional conditional of approval for the gate, the applicant stated that they would provide such a safety feature for the rear outdoor stair well.

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 4-6 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. 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 on pages 6-7 of the Planning Commission staff report (Attachment 1).

Recommendation and Conditions: Staff recommends **approval** of TLSE-2013-0008 Simran Home Daycare, 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 Lot 161 property plat prepared by Sam Whitson Land Surveying and dated July 13, 2012 with additional notations in ink.
- 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 two (2) persons to help care for the children.
- 5. 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. Drop off and pick up times shall be sufficiently staggered so that patrons shall be able to use the driveway for this purpose.
- 6. Hours of Operation:** The facility shall operate only between the hours of 6:30 AM and 6:30 PM, Monday through Friday.
- 7. 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 953 Rhoda Place in Leesburg.

- 8. Use of Rear Stairwell as an Entrance:** The rear stairwell to the basement of the house shall only be used as an entrance for the daycare use upon completion of a continuous hard-surface sidewalk connecting the driveway to the stairwell. The rear stairwell shall only be used as an entrance when completely free of any snow or ice on the steps.

Attachments

1. Planning Commission Staff Report dated May 16, 2013
2. Resolution



Date of Planning Commission Meeting: May 16, 2013

**TOWN OF LEESBURG
PLANNING COMMISSION PUBLIC HEARING**

Subject: TLSE-2013-0008, Simran Home Day Care, a special exception application to permit a child care center for up to 12 children at 712 Vista Ridge 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. APPLICATION SUMMARY

The Applicant Kulvir Singh Saggi is requesting Special Exception approval on behalf of his wife to allow a home-based “Child Care Center” for up to 12 children in the PRC zoning district at 712 Vista Ridge Drive in the Kincaid Forest subdivision of Leesburg (see Figure 1). A plat (Attachment 1) and Statement of Justification (Attachment 2) have been submitted in support of the application. Staff recommends conditional approval finding the proposal consistent with the Zoning Ordinance and Town Plan.

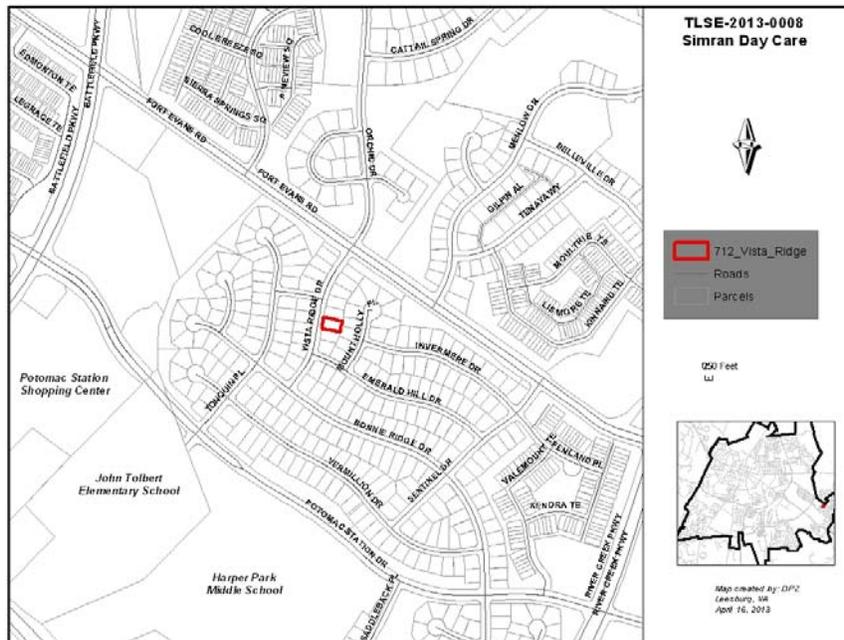


Figure 1. Application Property



Figure 2. Aerial

- II. CURRENT SITE CONDITIONS:** The subject property is an existing single family detached residence at 712 Vista Ridge Drive SE (see Figure 2, Aerial View). The property is 0.19 acres in size located in a planned development community of similarly sized lots. The property is identified as Loudoun County Parcel Identification Number (PIN) #148-28-8719. The *Town Plan* designates this property as “Low Density Residential” on the Land Use Policy Map.
- III. ZONING HISTORY:** The property is zoned PRC, Planned Residential Community District (see Figure 3). Setback requirements are 20 feet for the front yard, 8 feet minimum for side yards, and 25 feet for the rear yard. The property meets setback requirements. 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.

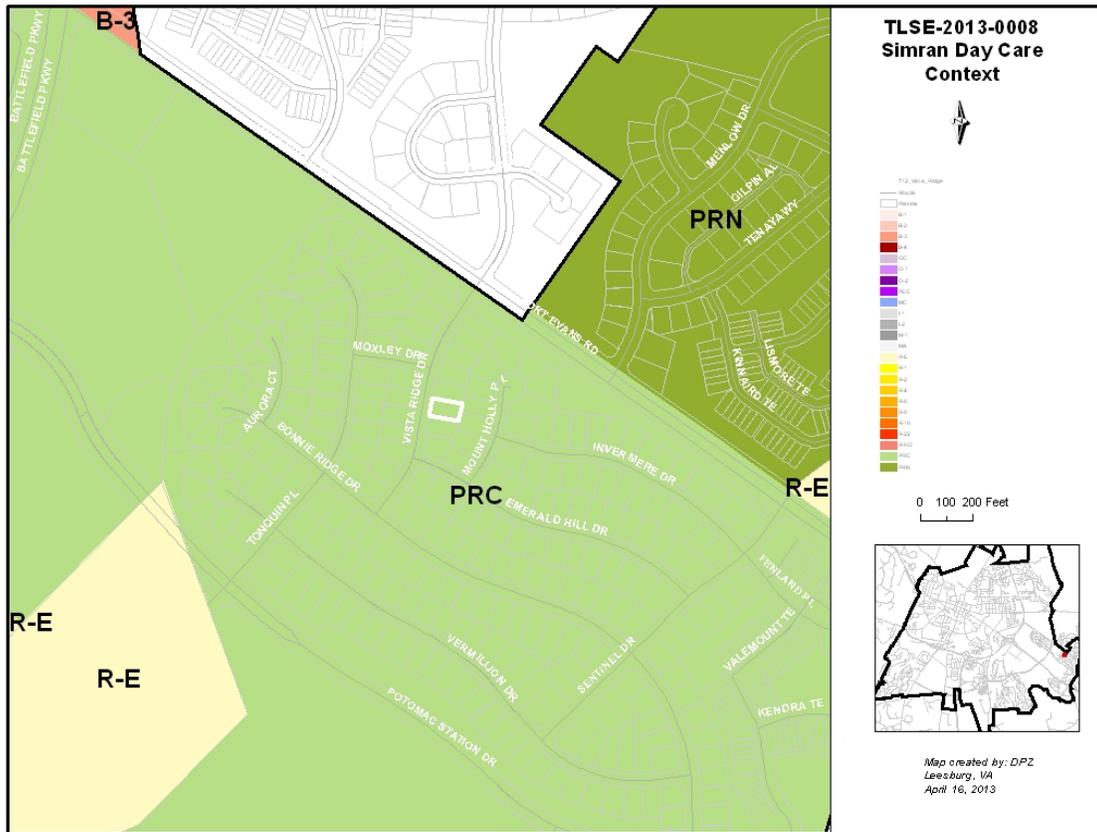


Figure 3. Zoning

IV. USES ON ADJACENT PROPERTY: The surrounding property is zoned PRC, Planned Residential Community District and consists of homes similar in size and design to the subject property.

V. 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 the state requires a VDSS “Family Day Home” license. In addition to the state requirement, the Town requires special exception approval for a child care service in accordance with the Zoning Ordinance for more than 5 children. That is what the Applicant is requesting in this case.

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 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.

VI. 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 Potomac Station Homeowners Association 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* Southeast 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 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*.

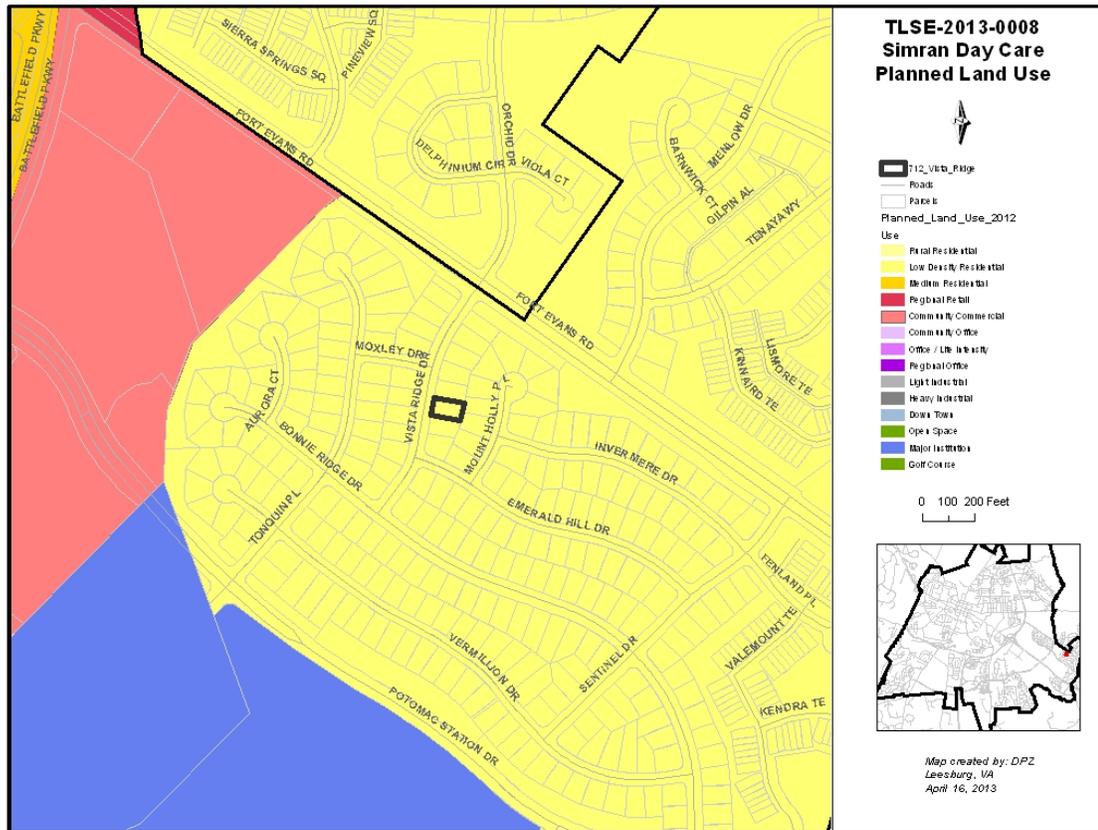


Figure 4. Town Plan Designated Land Use

- 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.
- 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 which is 3,658 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 3,403 square feet. This is sufficient for the maximum number of children that could occupy the yard.

- 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 wood fence completely enclosing the back yard. The entrance to the play area is from the rear building basement floor. While there is no direct line of sight from the inside of the ground floor, an attendant will always be with the children when they are in the outside play area to meet the intent of the criteria.

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

The applicant has a play structure in the yard located outside of the yard requirements.

- 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.

Currently, parents pull into the driveway directly adjacent to the sidewalk that leads to the front door of the home. The sidewalk and front entrance to the home are safely separated from the parking area. In the future the applicant has expressed a desire to construct a sidewalk from the front of the house to the rear where there is stairwell to the basement. Staff finds that both the existing and future arrival and departure paths meet the criteria.

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 communities. 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 four-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. Vista Ridge Drive is sufficient to handle the estimated 24 trips per day spread out over several hours in the morning and afternoon.

Staff has one concern related to safe pedestrian travel. The applicant proposes to use the rear stairwell to the basement as the primary means of access to the daycare facility (see photo below). While the applicant has indicated that a sidewalk will be constructed to the rear stairwell, none exists today. Staff recommends a condition of approval that the rear stairwell be used as access only once the sidewalk is in place. Staff also recommends that the rear stairwell not be used as the entrance to the daycare facility if there is any snow or ice on the steps.

Subject to the conditions proposed, 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.

VII. Recommendation and Conditions of Approval:

Staff recommends **conditional approval** of TLSE-2013-0008, Simran Home Day Care Center subject to the following conditions:

- 1. Substantial Conformance:** Development of this special exception use shall be in substantial conformance with the attached Lot 161 property plat prepared by Sam Whitson Land Surveying and dated July 13, 2012 with additional notations in ink.
- 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 two (2) persons to help care for the children.
- 5. 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. Drop off and pick up times shall be sufficiently staggered so that patrons shall be able to use the driveway for this purpose.
- 6. Hours of Operation:** The facility shall operate only between the hours of 6:30 AM and 6:30 PM, Monday through Friday.
- 7. 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 953 Rhoda Place in Leesburg.
- 8. Use of Rear Stairwell as an Entrance:** The rear stairwell to the basement of the house shall only be used as an entrance for the daycare use upon completion of a continuous hard-surface sidewalk connecting the driveway to the stairwell. The rear stairwell shall only be used as an entrance when completely free of any snow or ice on the steps.

VIII. Sample Planning Commission Draft Motion

Approval:

I move that special exception application TLSE 2013-0008, Simran Home Day Care be forwarded to Town Council with a recommendation of conditional approval, subject to the conditions of approval contained in the staff report dated May 16, 2013 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.

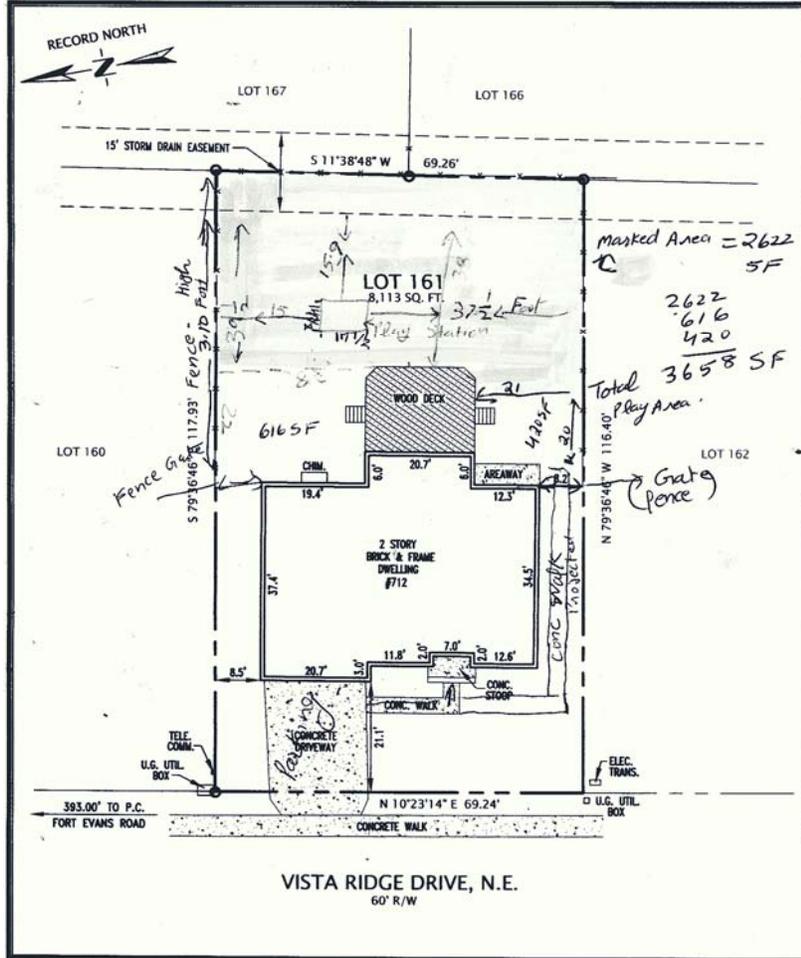
Denial:

I move that special exception application TLSE-2013-0008, Simran Home Day Care, 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

1. Property plat
2. Statement of Justification



NOTES: 1. "NO" PROPERTY CORNER MONUMENTS SET. REFER TO TITLE 54.1-407 OF THE CODE OF VIRGINIA;
 2. THIS SURVEY WAS ESTABLISHED BY AN ELECTRONIC TOTAL STATION AND TAPE UNLESS OTHERWISE SHOWN THERE ARE NO ENCROACHMENTS.
 3. THIS IS NOT A BOUNDARY SURVEY, PROPERTY CORNER MONUMENTS ARE NOT GUARANTEED. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS (IF ANY) OR OTHER CIRCUMSTANCES AFFECTING TITLE TO THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED AS AN AID FOR THE CONSTRUCTION OF FENCES AND THE DESIGN OR CONSTRUCTION OF ANY OTHER IMPROVEMENTS.

LEGEND

○ = IRON PIPE FOUND CHIM - CHIMNEY
 -X- = FENCE O.H. = OVERHANG
 B/W = BAY WINDOW
 OHW = OVERHEAD WIRE

HOUSE LOCATION SURVEY

LOT 161 SECTION 8F
 POTOMAC STATION
 DEED BOOK 1787 PAGE 1644
 TOWN OF LEESBURG
 LOUDOUN COUNTY, VIRGINIA
 DATE: JULY 13, 2012
 SCALE: 1" = 20'

DRAFTED BY: RMA CHECKED BY: RMA



OWNER: OCWEN LOAN SERVICING

BUYER: SAGGI/KAUR

CLIENT #LSBW1206048

W.O. #12-1232

SAM WHITSON LAND SURVEYING, INC.
 7061 GATEWAY COURT SUITE 150
 MANASSAS, VIRGINIA 20109
 PHONE: (703)330-9622 FAX: (703)330-9778

Simran Child Care
Request for Special Exception Approval for a Child Care Center
Statement of Compliance
April 10, 2013

- I. **Introduction:** My name is Kulvir Singh Saggi. My wife currently operates a home based child care service at my home 712 Vista Ridge Dr N E Leesburg VA in Potomac Station subdivision neighborhood of Leesburg. The parcel is 0.19 acres (8,273 square feet of the lot) in size and is identified in the County tax records as pin 148-28-8719-000. My property is zoned PRC. I have discussed this matter with my neighbors and they do not have any requests or concerns. There is a Home Owner Association (Potomac Station Management) but the manager (Elizabeth Deapen) said that the next board meeting is April 25, 2013 and she said that it has never happened that the board turned down any application. She told me that if the Town Council has any questions then they can call her at 703-669-0999. Her email is liz.ad@pmbiz.com.

The Daycare Center operation is for up to twelve (12) Children, ages 6 months to 10 years: Monday to Friday; 6:30am to 6:30pm; drop-off is 6:30am to 8:00am and pick-up time is 3:30pm to 6:00pm , the location for the drop-off and pick-up is in my driveway, the access for the children is the front door but when the basement is finished, the access is going to be through the rear entrance to the basement; there is a playground in the back with 3,658 square feet fenced in play area; right now there is no employees but there may be one later on; the employees are going to travel to the site by foot; there are three children living in this house ages 13, 11, 8 ½.

- II. **Traffic Study Waiver Request:** The site is adequately served by Vista Ridge Drive with direct access via a driveway. There is parking both in the driveway and along the street. A sidewalk runs in front of the house. This use generates approximately 24 trips per day at most. Based on the limited traffic impact of the proposed use, request a waiver of the traffic study requirement pursuant to section 3.4.6F of the Zoning Ordinance.

- III. **Specific Use Standards for a Child Care Center:** the child care center meets the use standards of the Town of Leesburg Zoning Ordinance (TLZO) Section 9.3.4 ("Child Care Center) Listed below.

- A. *Recreation Area* – *There is a minimum of 100 square feet of usable outdoor recreation area provided for each kid.*

The size for the outdoor play area is 3,658 square feet. Children in the play area will be attended at all times by an adult.

- 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.

We have a fence that is 4 feet in length that is used to enclose the outdoor recreation area. There is no direct line of sight from the inside of the building to the play area. We propose to meet the intent of this requirement by having an 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.*

There is a 15 feet setback from the left side of the play station, 15.9 feet from the back of the play station, 37.5 feet from the right side of the play station. No play equipment is in the required yards.

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

The parking is on the opposite side of the house from where the outdoor recreation area is. It is safely separated from parking and there is no loading or service 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.*

The arrival procedure is that the Guardian of the child comes in to the driveway, come in through the back basement door, drops off their child and his/her stuff then leaves the building through the back basement door. The departure procedures are that the guardian of the child comes in to the driveway, come in through the back door, picks up their child with his/her stuff and then leaves the building through the back basement door. The children never cross a traffic aisle.

IV. 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 day care use does not adversely impact neighboring properties.

- E. *“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.”* – With Special Exception approval, the use meets Zoning District regulations and is compatible with the planned land use as specified in the Town Plan.

- F. *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.* – There are two two by ten gardens and one small tree onsite. The use does not relate to neighboring properties in any way.

- G. *“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.”* – There will be one car from 6.45am to 7:00am, and four cars around 7:00am to 8:00am, and there will be two cars around 3:30pm to 4:00pm, and three cars from 4:00pm to 5.30pm right now. No conflicts exist or anticipated.

PRESENTED: June 11, 2013

RESOLUTION NO. _____

ADOPTED: _____

A RESOLUTION: APPROVING TLSE-2013-0008, SIMRAN HOME DAYCARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 148-28-8719 AND LOCATED AT 712 VISTA RIDGE DRIVE

WHEREAS, MR. Kulvir Singh Saggi is requesting Special Exception approval on behalf of his wife to permit a child care center use for up to twelve children in an existing home at 712 Vista Ridge Drive in the in the PRC zoning district on the property identified as Loudoun County Parcel Identification (PIN) number 148-28-8719; and

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

WHEREAS, the Planning Commission held a duly advertised Public Hearing on May 16, 2013 and recommended conditional approval; and

WHEREAS, staff recommends conditional approval subject to the conditions dated June 11, 2013; and

WHEREAS, the Town Council held a duly advertised Public Hearing on June 11, 2013; 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-2013-0008, SIMRAN HOME DAYCARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 148-28-8719 AND LOCATED AT 712 VISTA RIDGE DRIVE

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-2013-0008, Simran Home Daycare, is hereby approved to permit a child care center use for up to 12 children in an existing home at 712 Vista Ridge Drive on the property identified as Loudoun County Parcel Identification (PIN) number 148-28-8719, subject to the following conditions:

1. **Substantial Conformance:** Development of this special exception use shall be in substantial conformance with the attached Lot 161 property plat prepared by Sam Whitson Land Surveying and dated July 13, 2012 with additional notations in ink.
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 two (2) persons to help care for the children.
5. **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. Drop off and pick up times shall be sufficiently staggered so that patrons shall be able to use the driveway for this purpose.

A RESOLUTION: APPROVING TLSE-2013-0008, SIMRAN HOME DAYCARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 148-28-8719 AND LOCATED AT 712 VISTA RIDGE DRIVE

6. **Hours of Operation:** The facility shall operate only between the hours of 6:30 AM and 6:30 PM, Monday through Friday.
7. **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 953 Rhoda Place in Leesburg.
8. **Use of Rear Stairwell as an Entrance:** The rear stairwell to the basement of the house shall only be used as an entrance for the daycare use upon completion of a continuous hard-surface sidewalk connecting the driveway to the stairwell. The rear stairwell shall only be used as an entrance when completely free of any snow or ice on the steps.

PASSED this 11th day of June, 2013

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council