



Date of Council Meeting: July 23, 2013

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

**Subject:** TLSE-2013-0005, Owais 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 913 Buttonwood Terrace 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, Ms. Nosheen Owais has a Home Occupation Permit to operate a child care use for up to 5 children at her home (913 Buttonwood Terrace Drive). Special Exception Application TLSE-2013-0005 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) #187-19-5188.

The subject property is an existing single family detached residence at 913 Buttonwood Terrace Drive NE. in the Potomac Crossing planned development community. The lot is 0.08 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:** This application was concurrently advertized due to the nature of the application and minor conditions of approval. At the time this memo was prepared; the Planning Commission had not yet held its public hearing scheduled for July 18, 2013. No comments have been received from any of the adjacent and surrounding properties. An update of the Planning Commission hearing will be provided to Council prior to the Council public hearing.

**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 6-7 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 on pages 5-6 of the Planning Commission staff report (Attachment 1).

**Recommendation and Conditions:** Staff recommends **approval** of TLSE-2013-0005 Owais 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 "Final House Location, Lot 843, Section 10, Potomac Crossing" property plat prepared by Huntley, Nyce, and Associates and dated October 25, 2005 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:** The applicant will assure that clients use the existing driveway for drop off and pick up. 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 7:00 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 913 Buttonwood Terrace in Leesburg.

**Attachments**

1. Planning Commission Staff Report dated July 18, 2013
2. Written Statement of Justification
3. Special Exception Plat
4. Resolution

PRESENTED: July 23, 2013

RESOLUTION NO. \_\_\_\_\_

ADOPTED: \_\_\_\_\_

A RESOLUTION: APPROVING TLSE-2013-0005, NOSHEEN OWAIS HOME DAYCARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 187-19-5188 AND LOCATED AT 913 BUTTONWOOD TERRACE N.E.

WHEREAS, Ms. Nosheen Owais has requested special exception approval to permit a child care center use for up to twelve children in an existing home at 913 Buttonwood Terrace N.E. in the in the PRC zoning district on the property identified as Loudoun County Parcel Identification (PIN) number 187-19-5188; and

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

WHEREAS, the Planning Commission held a duly advertised Public Hearing on July 18, 2013 and recommended conditional approval; and

WHEREAS, staff recommends conditional approval subject to the conditions dated July 23, 2013; and

WHEREAS, the Town Council held a duly advertised Public Hearing on July 23, 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-2013-0005, NOSHEEN OWAIS HOME DAYCARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 187-19-5188 AND LOCATED AT 913 BUTTWOOD 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-2013-0005, Nosheen Owais Daycare, is hereby approved to permit a child care center use for up to 12 children in an existing home at 913 Buttonwood Terrace N.E. on the property identified as Loudoun County Parcel Identification (PIN) number 187-19-5188, subject to the following conditions:

1. **Substantial Conformance:** Development of this special exception use shall be in substantial conformance with the attached “Final House Location, Lot 843, Section 10, Potomac Crossing” property plat prepared by Huntley, Nyce, and Associates and dated October 25, 2005 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:** The applicant will assure that clients use the existing driveway for drop off and pick up. 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-2013-0005, NOSHEEN OWAIS HOME DAYCARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 187-19-5188 AND LOCATED AT 913 BUTTONWOOD TERRACE N.E.

6. **Hours of Operation:** The facility shall operate only between the hours of 6:30 AM and 7:00 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 913 Buttonwood Terrace in Leesburg.

PASSED this 23<sup>rd</sup> day of July, 2013

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council