

**TOWN OF LEESBURG
NOTICE OF TOWN COUNCIL PUBLIC HEARING
TO CONSIDER SPECIAL EXCEPTION APPLICATION
TLSE-2013-0001
MEENA'S 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, February 26, 2013 at 7:30 p.m.** in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia, 20176 to consider Special Exception Application TLSE-2013-0001, Meena's 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 953 Rhonda Place, Leesburg, Virginia 20175 in the Kincaid Forest subdivision on an existing single family detached lot 0.22 acres in size that is zoned PRN, Planned Residential Neighborhood District. The property is further described as Loudoun County Parcel Identification Number (PIN) 191-40-8885 and Loudoun County Tax Map Number /49/A14///385/. The Town Plan designates this property as "Low Density Residential" on the Land Use Policy Map.

Special Exception Application TLSE 2013-0001 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.

**Ad to run:
02/13/2013
02/20/2013**



Date of Council Meeting: February 26, 2013

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

Subject: TLSE-2013-0001, Meena's 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 953 Rhonda Place NE in the PRN zoning district?

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

Background: The Applicant, Ms. Meena Thohan has a Home Occupation Permit to operate a child care use for up to 5 children at her home (953 Rhonda Place). Special Exception Application TLSE-2013-0001 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) #191-40-8885.

The subject property is an existing single family detached residence at 953 Rhonda Place SE. in the Kincaid Forest planned development community. The lot is 0.22 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 February 21, 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 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 on page 6 of the Planning Commission staff report (Attachment 1).

Recommendation and Conditions: Staff recommends **approval** of TLSE-2013-0001 Meena's 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 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 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 6:00 AM and 6:00 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 953 Rhoda Place in Leesburg.

Attachments

1. Planning Commission Staff Report dated January 17, 2013
2. Written Statement of Justification
3. Special Exception Plat
4. Resolution



Date of Planning Commission Meeting: February 21, 2013

**TOWN OF LEESBURG
PLANNING COMMISSION PUBLIC HEARING**

Subject: TLSE-2013-0001, Meena's Home Day Care, a special exception application to permit a child care center for up to 12 children at 953 Rhonda Place.

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 Meena Thohan is requesting Special Exception approval to allow a home-based "Child Care Center" for up to 12 children in the PRN zoning district at 953 Rhonda Place 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 approval finding the proposal consistent with the Zoning Ordinance and Town Plan.

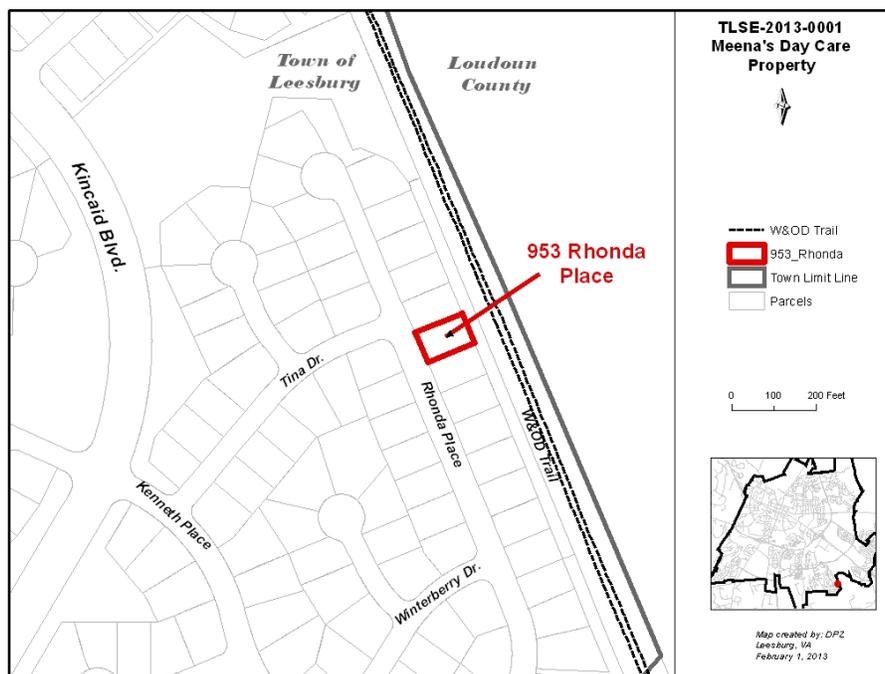


Figure 1. Application Property



Figure 2. Aerial

II. CURRENT SITE CONDITIONS

The subject property is an existing single family detached residence at 953 Rhonda Place SE (see Figure 2, Aerial View). The property is 0.22 acres in size located in a planned development community of similarly sized lots. The property is identified as Loudoun County Parcel Identification Number (PIN) #191-40-8885. The *Town Plan* designates this property as “Low Density Residential” on the Land Use Policy Map.

The Applicant, Ms. Meena Thohan, currently has a Home Occupation Permit for a home-based child care service permitting care for up to 5 children in this, her home. Special Exception Application TLSE-2013-0001 is a request to allow a “child care center” for up to 12 children in the PRN zoning district. Facility hours of operation are Monday thru Friday, 6:00 am to 6:00 pm.

III. **ZONING HISTORY:** The property is zoned PRN, Planned Residential Neighborhood District (see Figure3). Setback requirements are 25 feet for the front yard, 12 feet for side yards, and 20 feet for the rear yard. The property meets setback requirements. The applicant has a Town issued Home Occupancy Permit for a home-based child care service for up to five (5) children and is currently operating a child care service from the home consistent with the permit. 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.

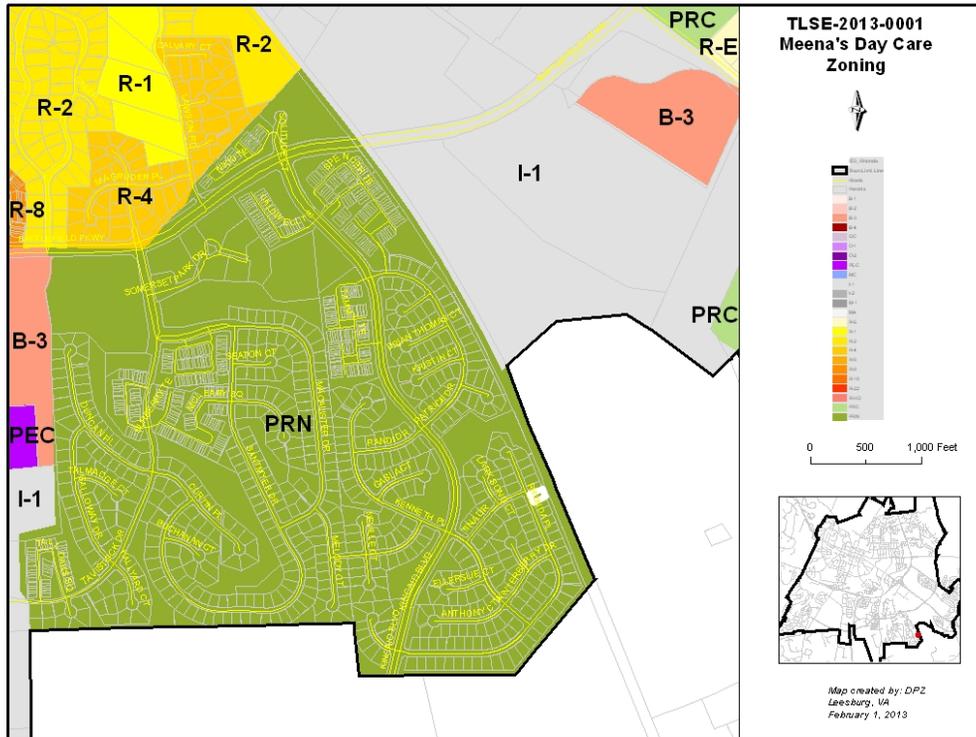


Figure 3. Zoning

- IV. USES ON ADJACENT PROPERTY:** The surrounding property is zoned PRN, Planned Residential Neighborhood District and consists of homes similar in size and design to the subject property. A linear open space parcel belonging to the homeowners association immediately abuts the property to the rear of the site. Beyond the HOA property is the W&OD Trail.
- 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 Kincaid Forest 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.

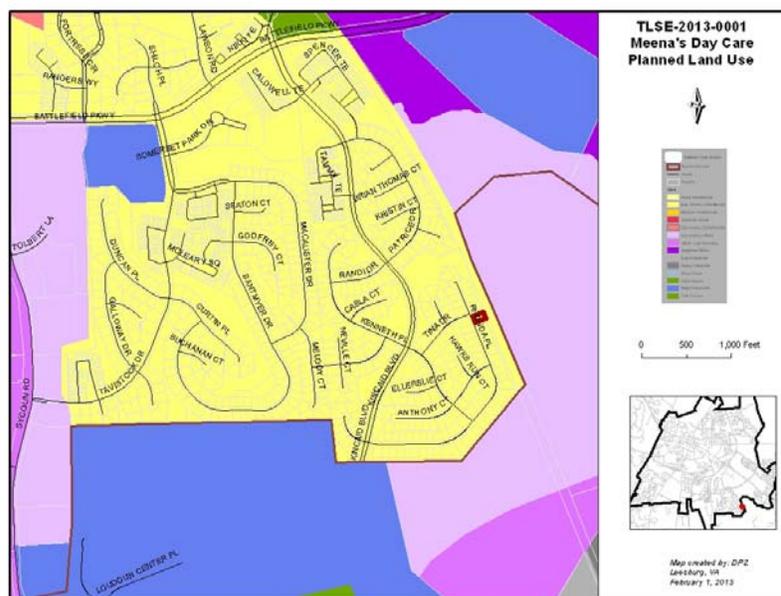


Figure 4. Town Plan Designated Land Use

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*.

- 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 1,600 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 1280 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 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 a play structure in the yard located an additional 2 feet beyond the required 12 foot side yard and an additional 16 feet beyond the required 20 foot rear 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 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.

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 PRN 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. Rhonda Place 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-2013-0001, Meena's 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 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 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 6:00 AM and 6:00 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 953 Rhoda Place in Leesburg.

IX. Sample Planning Commission Draft Motion

Approval:

I move that special exception application TLSE 2013-0001, Meena's 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 February 21, 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-2013-0001, Meena's 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

Meena's Home Daycare
Request for Special Exception Approval for a Child Care Center
Statement of Compliance
January 10, 2013

I. Introduction: My name is **Meena Thohan**. I currently operate a home based child care service at my home **953 Rhonda Place SE, Leesburg, VA 20175** in the **Kincaid** neighborhood of Leesburg. The parcel is **0.22 acres** in size and is identified in the County tax records as **PIN or MCPI # 191-40-8885**. My property is zoned in the **PRN Town Zoning Category**. My neighbors are fully aware of my business and have shown no objections at all. They're all a very considerate and loving, and have sometimes even brought referrals for my business.

2. The daycare center is open from Monday through Friday 6:00 am – 6:00 pm. The drop off time is generally between 7:45 am – 8:45 am and the pick-up time is generally between 4:30 pm – 5:45 pm. The ages of children are from infants to 6 years old. The parents drive their children in their cars, and bring their cars directly onto my driveway and walk the child from the driveway to my front door. There's rarely ever a case when more than one parent comes at the same time. In those rare cases, my drive way can hold up to 4 cars, and in my experience there's never been an instance of more than 2 parents who have dropped off their children at the same time. Once the parents drop off their children, the children enter the house through the front door and walk with me to the basement where the daycare center is located. Currently, Meena's Home-daycare has 1 assistant. The assistant does not bring her car to work. Her husband drops her off in the morning and picks her up in the evening at the end of her shift.
3. See the plat of the property attached which shows the outdoor play area to scale in correct location with property setbacks identified and also shows drop-off/pick-up area and path of access to the door.
4. This house is associated with the Kincaid Home Owners Association (HOA). The HOA is fully aware of my daycare. I even advertise in the community newsletter for my home daycare. Attached is a copy of the ad for your reference.

II. Traffic Study Waiver Request: The property is located at 953 Rhonda Place SE, Leesburg, VA 20175 and the street Rhonda Place intersects with Tina Drive, which intersects with Kenneth Place, which intersects with Kincaid, which intersects with Battlefield, and Battlefield intersects with Route 7 which is a major road. Rhonda Place has very little traffic. Rhonda Place is a fairly wide street with sidewalks on both sides. The parents drive their children in their cars, and bring their cars directly onto my driveway and walk or carry the child from the driveway to my front door. The front door is accessed by walkway that connects to the driveway; no sidewalks are accessed. There are absolutely no children who arrive at the daycare unsupervised. All the children get

dropped off in a car by their parents. Currently, my daycare has about 6 children and two of which are siblings, so there are 5 trips in the morning and 5 trips in the evening. However, even with the maximum occupancy of up to 12 children, there shall not be more than 24 trips to the house in a single day (12 in the morning and 12 in the evening). Therefore, based on the limited traffic impact of the proposed use, we are requesting 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: Address how your proposal meets the use standards of the Town of Leesburg Zoning Ordinance (TLZO) Section 9.3.4 ("Child Care Center") listed below:

- A. Recreation Area - Our backyard is approximately 3500 square feet in size and our play area alone is approximately 1600 square feet which allows ample space for the children to play.
- B. Fencing - Our backyard completely encloses the outdoor recreation area with a red, Williamsburg dip fence which is at least 4 feet in height. The play area can be entered by taking steps directly from the basement (which where the daycare is). Even though there are windows and doors in the daycare area and are noted on the plat but the line of sight is never an issue because the children are never unattended in the backyard. They are always under supervision.
- C. Play Equipment -The attached plat shows the location of the play equipment and the play equipment is anchored to the ground in the concrete.
- D. Recreation Location - This is a typical single family house. The trash services are standard as per any residential neighborhood. The children's pick-up and drop-off is on my drive-way. Therefore it's separated from the street parking. Rhonda Place allows street parking on both sides. The outdoor recreation area is in our backyard and not at all connected to the street, parking areas, or trash removal.
- E. Parking - No parents park their cars on the street, but if needed in the worst case scenario, there is ample parking available on the street on Rhonda Place. The pick-up and drop-off takes places during the morning and evening hours. All children walk or are carried in their parents lap from the drive way to the front door and there are no vehicle travel aisles for the child to cross.

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 daycare facility is located in the basement of my single family home. The parents drop off their children in the morning and pick up their children in the evening. The hours of each child vary by 15-20 minutes, and there's rarely ever a chance when more than 1 parent comes to drop off their children. Additionally, to reduce any impact to the neighboring properties, my husband always parks his car inside the garage, and there's only 1 car parked on the drive, to leave the drive-way wide open for up to 3 additional cars. Furthermore, when the parents come to pick-up or drop off the children, they come directly to the front door, and once the door is opened, they come and stand / wait inside the house for their child's drop-off or pick-up. Due to these, precautions the neighboring houses are not impacted adversely.
- 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."* – All zoning guidelines have been met, and no modifications have been made to the exterior of the house.
- 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 have been no modifications to the house, landscaping, or anything else on the exterior of the house for this purpose.
- 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."* – Even with maximum occupancy in the daycare of 12 children (and no children are related, i.e. siblings), there shall not be more than 12 trips during the morning and 12 trips during the evening. Currently, I only have about 6 children two of which are siblings, so there are only 5 trips in the mornings and 5 trips in the evenings, and each parent comes and parks their car on the drive-way for pick-up and drop-off.

Meena's Home Daycare

Request for Special Exception Approval for a Child Care Center

Statement of Compliance

January 10, 2013

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However, even with the maximum occupancy of up to 12 children, there shall not be more than 24 trips to the house in a single day (12 in the morning and 12 in the evening). Therefore, based on the limited traffic impact of the proposed use, we are requesting 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: Address how your proposal meets the use standards of the Town of Leesburg Zoning Ordinance (TLZO) Section 9.3.4 (“Child Care Center”) listed below:

- A. Recreation Area - Our backyard is approximately 3500 square feet in size and our play area alone is approximately 1600 square feet which allows ample space for the children to play.
- B. Fencing - Our backyard completely encloses the outdoor recreation area with a red, Williamsburg dip fence which is at least 4 feet in height. The play area can be entered by taking steps directly from the basement (which where the daycare is). Even though there are windows and doors in the daycare area and are noted on the plat but the line of sight is never an issue because the children are never unattended in the backyard. They are always under supervision.
- C. Play Equipment -The attached plat shows the location of the play equipment and the play equipment is anchored to the ground in the concrete.
- D. Recreation Location - This is a typical single family house. The trash services are standard as per any residential neighborhood. The children’s pick-up and drop-off is on my drive-way. Therefore it’s separated from the street parking. Rhonda Place allows street parking on both sides. The outdoor recreation area is in our backyard and not at all connected to the street, parking areas, or trash removal.
- E. Parking – No parents park their cars on the street, but if needed in the worst case scenario, there is ample parking available on the street on Rhonda Place. The pick-up and drop-off takes places during the morning and evening hours. All children walk or are carried in their parents lap from the drive way to the front door and there are no vehicle travel aisles for the child to cross.

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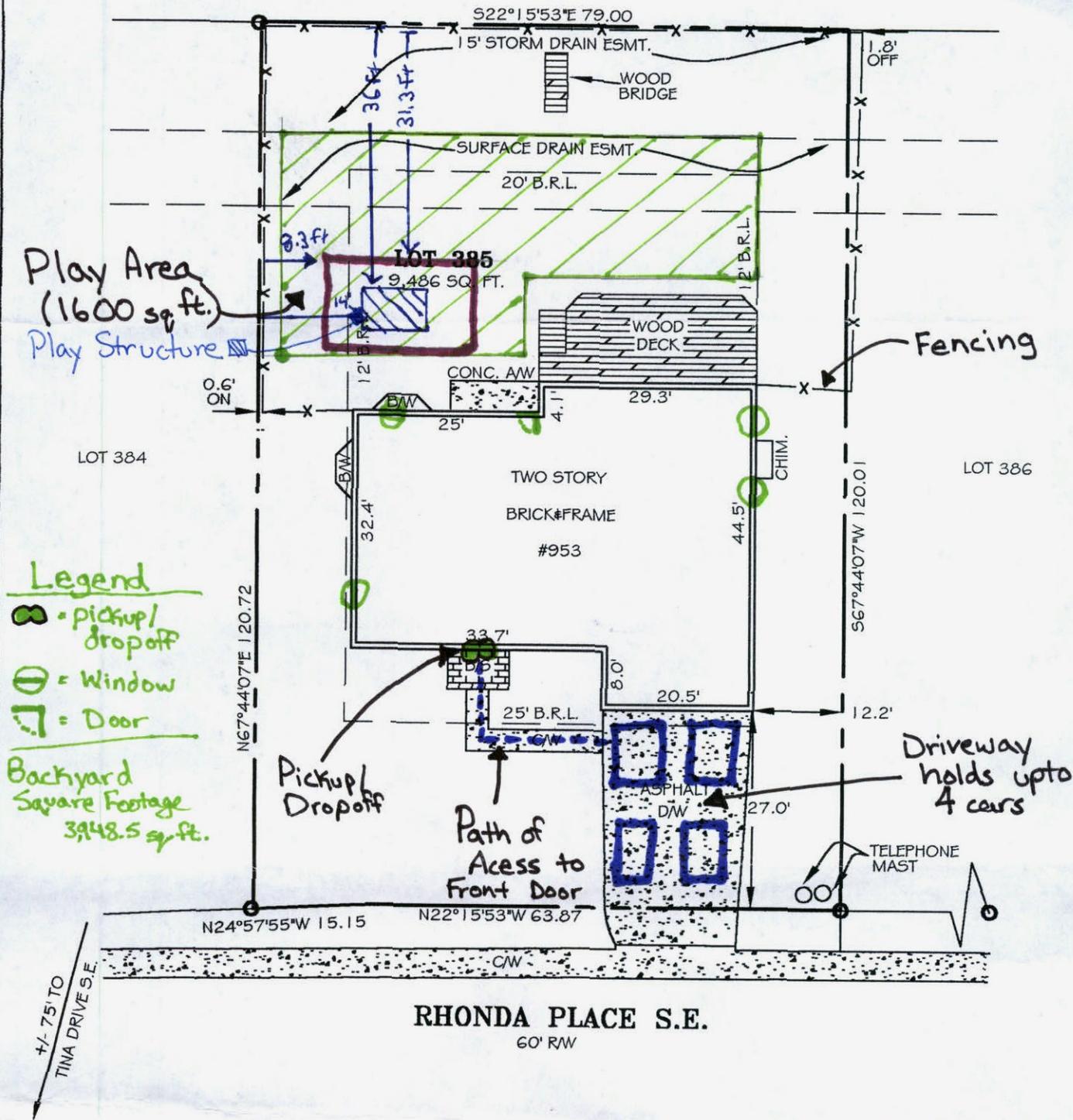
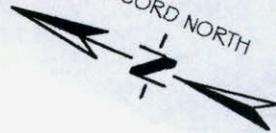
- A. *“The proposed use will not adversely affect the use of neighboring properties.”* – The daycare facility is located in the basement of my single family home. The parents drop off their children in the morning and pick up their children in the evening. The hours of each child vary by 15-20 minutes, and there’s rarely ever a chance when more than 1 parent comes to drop off their children. Additionally, to reduce any impact to the neighboring properties, my husband always parks his car inside the garage, and there’s only 1 car parked on the drive, to leave the drive-way wide open for up to 3 additional cars. Furthermore, when the parents come to pick-up or drop off the children, they come directly to the front door, and once the door is opened, they come and stand / wait inside the house for their child’s drop-off or pick-up. Due to these, precautions the neighboring houses are not impacted adversely.
- 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.”* – All zoning guidelines has been met, and no modifications have been made to the exterior of the house.
- 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.* – There have been no modifications to the house, landscaping, or anything else on the exterior of the house for this purpose.
- 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.”* – Even with maximum occupancy in the daycare of 12 children (and no children are related, i.e. siblings), there shall not be more than 12 trips during the morning and 12 trips during the evening. Currently, I only have about 6 children two of which are siblings, so there are only 5 trips in the mornings and 5 trips in the evenings, and each parent comes and parks their car on the drive-way for pick-up and drop-off.

PRN Zoning

PIN / MCP1 : 191-40-8885

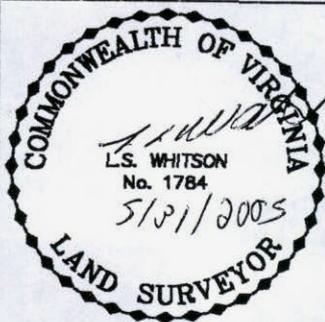
PARCEL "D"

RECORD NORTH



HOUSE LOCATION SURVEY

LOT 385 SECTION 11
KINCAID FOREST
DEED BOOK 1810 PAGE 103
LOUDOUN COUNTY, VIRGINIA
DATE: MAY 31, 2005
SCALE: 1" = 20'
DRAFTED BY: R.W.S.



LEGEND

C/W = CONC WALK	C/P = CONC PATIO
S/W = STONE WALK	R/E = RECESSED ENTRY
W/L = WOOD LANDING	CHIM = CHIMNEY
B/L = BRICK LANDING	O.H. = OVERHANG
W/D = WOOD DECK	B/W = BAY WINDOW
C/S = CONC STOOP	OHW = OVERHEAD WIRE
M/S = METAL STOOP	AW = AREA WAY
C/C/S = COVERED CONC STOOP	○ = MONUMENT FOUND
	-x- = FENCE

NOTES

- "NO" PROPERTY CORNER MONUMENTS SET. REFER TO TITLE 54.1-407 OF THE CODE OF VIRGINIA;
- THIS HOUSE LOCATION SURVEY WAS PERFORMED AT THE WRITTEN REQUEST OF YOUR LEGAL AGENT AND DOES NOT REPRESENT A BOUNDARY SURVEY.
- THIS SURVEY IS NOT TO BE USED FOR THE CONSTRUCTION OF FENCES OR ANY OTHER IMPROVEMENTS.
- THIS SURVEY WAS ESTABLISHED BY AN ELECTRONIC TOTAL STATION AND TAPE UNLESS OTHERWISE SHOWN THERE ARE NO ENCROACHMENTS.
- NO TITLE REPORT WAS FURNISHED. ALL EASEMENTS OF RECORD MAY NOT BE SHOWN.

SAM WHITSON LAND SURVEYING, INC.

11170 LEE HIGHWAY SUITE C
 FAIRFAX, VIRGINIA 22030
 PHONE: (703)352-9515 FAX: (703)352-9516

OWNER: SPRAGUE

BUYER: THOHAN

W.O. #05-1511

CLIENT #05-89

PRESENTED: February 26, 2013

RESOLUTION NO. _____

ADOPTED: _____

A RESOLUTION: APPROVING TLSE-2013-0001, MEENA'S HOME DAYCARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 191-40-8885 AND LOCATED AT 953 RHONDA TERRACE S.E.

WHEREAS, Ms. Meena Thohan has requested special exception approval to permit a child care center use for up to twelve children in an existing home at 953 Rhonda Terrace S.E. in the in the PRN zoning district on the property identified as Loudoun County Parcel Identification (PIN) number 191-40-8885; and

WHEREAS, the property is zoned PRN, Planned Residential Neighborhood District; and

WHEREAS, the Planning Commission held a duly advertised Public Hearing on January 17, 2013 and recommended conditional approval; and

WHEREAS, staff recommends conditional approval subject to the conditions dated February 26, 2013; and

WHEREAS, the Town Council held a duly advertised Public Hearing on February 26, 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

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

A RESOLUTION: APPROVING TLSE-2013-0001, MEENA'S HOME DAYCARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 191-40-8885 AND LOCATED AT 953 RHONDA TERRACE S.E.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia that Special Exception application TLSE-2013-0001, Meena's Home Daycare, is hereby approved to permit a child care center use for up to 12 children in an existing home at 953 Rhonda Terrace S.E. on the property identified as Loudoun County Parcel Identification (PIN) number 191-40-8885, 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 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 6:00 AM and 6:00 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 953 Rhoda Place in Leesburg.

A RESOLUTION: APPROVING TLSE-2013-0001, MEENA'S HOME DAYCARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 191-40-8885 AND LOCATED AT 953 RHONDA TERRACE S.E.

PASSED this 26th day of February, 2013.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council