



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT
October 14, 2015

SPECIAL USE PERMIT–1214 WINDSOR ROAD (MFDH 10-3-34(6)) 2015 AMENDMENT

GENERAL INFORMATION

Applicant: Erica and Brock Dorsey

Tax Map: 84-E-4

Acreage: 21,444 square feet

Location: 1214 Windsor Road

Request: Public hearing to consider a request for a special use permit per Section 10-3-34 (6) of the Zoning Ordinance to allow a major family day home within the R-1, Single Family Residential District.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Low Density Residential. This designation states that these areas consist of single-family detached dwellings with a maximum density of 1 to 4 units per acre. Low-density sections are found mainly in well-established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

The following land uses are located on and adjacent to the property:

Site: Single-family dwelling and major family day home operation, zoned R-1

North: Single-family dwelling, zoned R-1

East: Single-family dwellings fronting along Nelson Drive, zoned R-1

South: Single-family dwelling, zoned R-1

West: Across Windsor Road, Single-family dwellings, zoned R-1

EVAULATION

The applicant is requesting to amend an existing special use permit (SUP) allowing a Major Family Day Home (MFDH) in the R-1, Single Family Residential District per Section 10-3-34 (6) of the Zoning Ordinance (ZO). A major family day home is described as providing care for five to 12 children under the age of 13, exclusive of any children who reside in the home. Major family day homes are limited as to the number children that receive care in the residence at any one time; however, they are not limited to the number of children they may have enrolled.

Tots 'N Toyland, a MFDH, received approval of a SUP in July 2014 to operate from the 21,444 +/- square foot parcel located at 1214 Windsor Road. The property is located on a narrow cul-de-sac road, which allows parking along the street right-of-way; however, the street is not improved with curb, gutter, or sidewalk. During the 2014 SUP process, staff expressed concerns regarding parking along the shoulder of the road, possibly impeding traffic; but ultimately recommended in favor of the SUP

with a suggested condition that if parking became a nuisance, the SUP could be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit. Planning Commission recommended approval (7-0) of the request with the suggested condition. At the City Council public hearing, there were neighborhood concerns regarding traffic increases and safety with the proposed MFDH use. The request was tabled awaiting further information from the Harrisonburg Fire Department and Rescue Squad, before eventually being approved (3-2) with an additional condition that the number of children served is limited to ten.

The applicant currently has a total of eleven children enrolled, either full-time or part-time and one employee who has been with Tots 'N Toyland since opening. The facility encompasses approximately 714 square feet within the home and has a large fenced, outdoor play area that is located about 150-feet from the roadway. Since being licensed by the Department of Social Services (DSS) last year there have been a total of three unannounced inspections by DSS with no violations.

The hours of operation for the MFDH are 7:30 a.m. until 5:30 p.m., Monday through Friday. Parents are instructed to park at the top of the driveway when dropping off or picking up children throughout the day. There is ample room for three vehicles to maneuver on site without blocking vehicles in. The employee parking is also at the top of the driveway beside the house or in the garage.

The applicant is requesting to increase the number of children from ten to the maximum 12. This increase is to accommodate the forthcoming birth of the sole employee's child and the forthcoming birth of a child, who will be the sibling of a currently enrolled child.

Staff has received no concerns regarding the use, parking, or traffic since the 2014 SUP approval. Staff recommends in favor of the request to amend the SUP with the following condition:

1. If in the opinion of Planning Commission or City Council, parking becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.