



City of Harrisonburg, Virginia

Department of Planning & Community Development

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Building Inspections

Engineering

Planning & Zoning

To: Eric Campbell, City Manager
From: Adam Fletcher, Director – Department of Planning and Community Development and
Harrisonburg Planning Commission
Date: September 11, 2018
Re: Special Use Permit – 661 Northfield Court (Major Family Day Home)

Summary:

Public hearing to consider a request from Gabriel and Justice Kreider for a special use permit per Section 10-3-52 (4) of the Zoning Ordinance to allow a major family day home in the R-4, Planned Unit Residential District. A major family day home can have up to 12 children under the age of 13, exclusive of any children who reside in the home. The 2,348 +/- square feet property is located at 661 Northfield Court and is identified as tax map parcel 32-T-6.

Background:

The Comprehensive Plan designates this area as Medium Density Residential. This designation states that these areas are designated in areas near major thoroughfares or commercial areas. Most of these areas have been developed or are approved for development of a variety of housing types such as single-family, duplex, and in special circumstances, apartments. Depending on the specific site characteristics, densities in these areas may range from 1 to 15 units per acre.

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

Site: Townhome, zoned R-4

North: Townhomes, zoned R-4

East: Townhomes, zoned R-4

South: Across East Washington Street, Ralph Sampson Park, zoned R-2

West: Townhomes, zoned R-4

Key Issues:

The applicants are requesting a special use permit per Section 10-3-52 (4) of the Zoning Ordinance to allow a “major family day home” (MFDH) within the R-4, Planned Unit Residential District. The property is situated off Northfield Court within the townhouse and duplex community of Northfield Estates. MFDH’s are defined by the Zoning Ordinance as: *A child day care program offered in the residence of the provider or the home of any of the children in care for five (5) through twelve (12) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation.* It is helpful to understand how MFDH’s are different from

minor family day homes. Minor family day homes are defined as: *A child day care program offered in the residence of the provider or the home of any of the children in care for one (1) through four (4) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation. A minor family day home shall be considered a home occupation and therefore requires that a home occupation permit be granted by the zoning administrator; however, no conditions more restrictive than those imposed on residences occupied by a single family shall be imposed on the day home.* Minor family day homes are allowed by right within all residential districts. MFDHs are permitted only by SUP in all residential districts, except the R-5 district, where they are not permitted.

The applicant, Justice Kreider, describes in her letter that she and her friend, Amber Hess, plan to have their daycare licensed by the Virginia Department of Social Services by March 2019 where the maximum number of children they can care for as a licensed facility would be 12. The Virginia Department of Social Services (VDSS) regulates licensing standards of family day homes and ensures that the facility and the operation of the MFDH are favorable to the welfare of the children in care. Approval and licensing from the VDSS requires an applicant to maintain compliance with local ordinances and laws. VDSS requires applicants to submit a form signed by the locality's zoning administrator to verify that the use is allowed at the requested location. Approval of the SUP would allow for the applicants to operate as a MFDH, with the proper licensing from the VDSS.

The operating hours for their daycare will be 6:30am-6:00pm, Monday through Friday. There is a parking lot in front of the home that serves two rows of townhomes with a total of 20 homes. Each home has two assigned parking spaces located in front of the unit. Additionally, there is on street parking available on Northfield Court. The rear of the subject property faces East Washington Street. Staff has discussed with the applicant that there is a bike lane on East Washington Street, therefore, on-street parking is prohibited.

While other MFDH SUPs have been approved by the City, this is the first application requesting for a MFDH to be operated in a townhome unit. Staff is concerned with parking, unloading and loading, and maneuvering within the parking lot and on Northfield Court during peak drop off and peak pick up times. It is difficult to turn a vehicle around in the parking lot if all parking spaces are occupied by clients and neighbors. Additionally, staff is concerned with clients parking on Northfield Court, which may require crossing the street on foot, to reach the home. While there could be sibling groups attending the daycare, there could also be up to 12 individual drop-offs in the morning and 12 individual pick-ups in the evening, which could create issues for both the clients and neighbors maneuvering through the area at the same time of day. It is highly possible that clients will not have anywhere to park when they are dropping off or picking up their children.

In an effort to address staff's concerns, the applicant describes that she and her husband will park their vehicles on Northfield Court to allow clients dropping off and picking up children to utilize the parking spaces in front of their home. The applicant's letter also describes the following drop off/pick up policy for clients (written verbatim):

Check in/Check out procedures: When dropping off and picking up children please make it brief. We don't want to disrupt the flow of the morning/day. Please be sure to directly hand child off to the staff. There is an attendance sheet that we ask for parents to sign when dropping off and picking up. Please limit dropping off and picking up to no more than 5 minutes.

Although staff understands the need for a care facility of this type in our community, staff does not believe a “major family day home” should operate at this location. In general, staff believes that increased vehicular traffic during peak drop off and pick up times would cause unsafe conditions. Therefore, staff recommends denial of the special use permit request.

If Planning Commission however, desires to recommend approval to City Council, staff suggests that the following conditions be placed on the special use permit:

- a. During operating hours, at least one parking space assigned to the property in front of the property shall be dedicated for drop off and pick up.
- b. If in the opinion of Planning Commission or City Council, parking or traffic 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.

As previously acknowledged, this property is part of the Northfield Estates community. The community has a Homeowners Association (HOA) governed by a Board of Directors and has its own private covenants that may place restrictions on the use of the properties. While the City, through its Zoning Ordinance, may allow certain uses, the private covenants may prohibit those uses. The property owner was advised by staff to check with their HOA on whether a daycare for up to 12 children can be operated from the home. Staff received an email on July 26, 2018 from the Northfield Estates HOA stating that they are “not prepared to give a response to [the Krieders] regarding [their] day care business until such matter can be presented to the homeowners at the Annual Meeting in September.”

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the special use permit request as submitted by the applicant;
- (b) Recommend approval of the special use permit with conditions recommended by staff;
- (c) Recommend approval of the special use permit with other conditions; or
- (d) Recommend denial of the special use permit request.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing for the special use permit and twice for City Council’s public hearing for the special use permit. The advertisement was published as shown below:

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reside in the home. The 2,348 +/- square feet property is located at 661 Northfield Court and is identified as tax map parcel 32-T-6.

In addition, adjoining property owners were notified of the public hearing; the property was posted with signage advertising the request; and a notice was provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

Recommendation:

Staff recommends alternative (d) to deny the special use permit request.

Attachments:

1. Site maps (2 pages)
2. Application, applicant letter, and supporting documents (13 pages)

Review:

On a motion for alternative (d) to deny the special use permit, Planning Commission had a split vote of 3-3.