



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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August 31, 2023

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT: Consider a request from Trustees Harrisonburg First Church of the Brethren for a special use permit for a child day care at 315 South Dogwood Drive

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON:** August 9, 2023

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting a special use permit (SUP) per Section 10-3-34 (1) of the Zoning Ordinance (ZO) to allow for a daycare center to be located within Harrisonburg First Church of the Brethren. The property is currently occupied by a church and is located at 315 South Dogwood Drive. The church is not the operator of the daycare but is letting the daycare locate within their facilities. Note that if the church was the operator, the SUP would not be required because in such situations the daycare is considered an extension of the church and an allowable use.

The daycare is planning to operate for 50 children in four classrooms in the church's new gymnasium wing. The daycare is planning to operate Monday to Friday from 7:30 am to 5:30 pm. The applicant is also planning provide a fence around a play area in the rear of the property. The church currently has sufficient parking to support both the church use and the daycare facility.

Land Use

The Comprehensive Plan designates this site as Low Density Residential and states:

These areas consist of single-family detached dwellings in and around well-established neighborhoods with a target density of around 4 dwelling units per acre. The low density residential areas are designed to maintain the character of existing neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre.

The property is adjacent to Westover Park and to existing neighborhoods. Staff does not have concerns that the proposed use will adversely affect the residential neighborhood.

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed SUP is attached. The TIA determination form indicated that the project will not generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA.

Public Water and Sanitary Sewer

Staff has no concerns regarding water and sanitary sewer service availability for the proposed development. Recommendation

Recommendation

Staff recommends approval with the following condition:

1. If in the opinion of Planning Commission or City Council, the use 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.

Chair Finnegan asked if there any questions for staff.

Vice Mayor Dent said you have already answered one of the questions I had walking through here, how many employees... so eight. Eight employees to fifty children; is that a reasonable ratio? Also are they permitted or licensed or will they be?

Ms. Rupkey said so, the applicant probably can speak more to this when she comes up, but they were talking about the amount of...there is a ratio for the amount of children based on their age with the adults that are needed. So, depending on the age of the classrooms they might have certain numbers of employees in each one.

Commissioner Baugh said like with the land use issue if it was the church operating it, they would be under exemption but otherwise they would have to be regulated. So, those ratios are going to be a part of their license.

Vice Mayor Dent said they would have to licensed not just registered because of the number of children.

Chair Finnegan asked if there were any other questions for staff? Hearing none, he opened the public hearing.

Julie Shank, the applicant, came forward to speak to this request. She said I have partnered with Harrisonburg First Church of the Brethren in hopes of giving the City of Harrisonburg and the surrounding areas another much needed option for childcare. I have talked to family after family that have heart wrenching stories trying to find safe reasonable care for their children. Some have been on waiting lists from the day they found out they were expecting and yet to get a phone call with an opening available. Some had to quit jobs that they loved to be with their children. Others had been forced to leave children with children so that they may continue to work to provide for their families. We wish we could help all families in need, but we all know that is impossible. By granting the special use permit, this would help to start to fulfill the childcare needs in our

community. Thank you so much for considering our needs and the needs of the people of Harrisonburg and the surrounding areas.

Chair Finnegan thanked Ms. Shank and asked if there were any questions for the applicant.

Vice Mayor Dent said I will repeat that question to you as the applicant about the ratios and depending on age and the licensing.

Ms. Shank said our plan is that we are going to be religious exempt. We felt like in Harrisonburg there are several secular daycares, but we would like to be able to present our religious beliefs to the children and plant seeds to them. So, by doing that some of the issues are not required but one of the requirements still of religious exempt is ratio and that does not change if you are licensed or unlicensed.

Vice Mayor Dent said now what is the exempt from? From licensure?

Ms. Shank said you do not have to be licensed. You do have to follow certain guidelines that the state requires and one of them is ratio. Another one would be background checks for all employees or volunteers. Our employees would need to get a physical each year saying that they were capable of taking care of children, those kinds of things.

Vice Mayor Dent said I have a slight concern, I am not going to say it that way but, about the religious aspect and planting seeds, does that become discriminatory based on religion? Staff?

Mr. Fletcher said I am not quite sure what you mean.

Vice Mayor Dent said as in, would someone of a different religion be offended or not want to put their children there? What might the repercussions be?

Chair Finnegan said this is a private institution. So, in the same way that there are private Christian elementary schools, there are private Christian daycares.

Vice Mayor Dent said okay.

Ms. Shank said if I could just add that is kind of our feeling on it. We want to be very open to whoever would like to be part of us. No matter what their religion is or no religion, but we are going to be very upfront that we are religious exempt, and this is our teachings and beliefs and then they know whether it fits for their family or not.

Chair Finnegan asked if there were any more questions for the applicant? Hearing none, he closed the public hearing and opened the request for discussion.

Chair Finnegan continued and said I will say that childcare is one of the two main issues identified by Valley Interfaith Action, formally Faith In Action, and is one thing they are really focusing on in the City and the County is the shortage of childcare for local families. Affordable for sure. It is a major need in our community.

Vice Chair Byrd said the property has enough parking and all that jazz to allow people to safely arrive and leave as they are dropping off and picking up their children. Therefore, I will make a motion to approve the special use permit with the added conditions.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye
Chair Finnegan	Aye

The motion to recommend approval of the special use permit passed (6-0). The recommendation will move forward to City Council on September 12, 2023.