



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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October 10, 2022

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

**SUBJECT:** *Public hearing to consider a request from Katerin Mejia-Centeno for a special use permit to allow a major family day home at 922 Jefferson Street*

## **EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: September 14, 2022**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said The Comprehensive Plan designates this site as Neighborhood Residential. These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types, but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.

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

- Site: Single-family dwelling, zoned R-2
- North: Single-family dwelling, zoned R-2
- East: Duplex, zoned R-2
- South: Single-family dwelling, zoned R-2
- West: Across Jefferson Street, single-family dwelling, zoned R-2

The applicant is requesting a special use permit (SUP) per Section 10-3-40 (6) of the Zoning Ordinance to allow a “major family day home” (MFDH) within the R-2, Residential District. The property is situated along Jefferson Street south of the intersection with Suter Street. MFDH’s are defined in 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.*” MFDHs are permitted only by SUP in all residential districts, except the R-5 district, where they are not permitted.

When considering a MFDH it is helpful to know how they differ from minor family day homes. Minor family day homes are allowed by right within all residential districts and 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.”*

In a letter submitted by the applicant, they describe that they plan to care for a maximum of 10 children and would operate Monday through Friday from 6am to 6pm. At this time, they do not plan to hire employees. Staff is not recommending conditions on the hours of operation or facility schedule, and therefore, if the request is approved as submitted, the hours of operation and facility schedule may change at times. Furthermore, their letter describes that families would “park on the side of the street or on the driveway so they may enter through the main door of the house.” The property has a single lane driveway with a parking area to the rear of the principal building.

The applicant has been advised by staff to work with the Virginia Department of Education (VDOE) for licensure requirements. The VDOE 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 VDOE require an applicant to maintain compliance with local ordinances and laws. VDOE 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 applicant to operate as a MFDH at the subject location with the proper licensing from the VDOE.

Staff has no concerns with the operation of the Major Family Day Home at this location, and also believes more childcare facilities are needed in the community. Staff recommends approval of the SUP request with no conditions.

Chair Finnegan asked if there any questions for staff.

Commissioner Byrd asked is the difference between the minor and major day home four?

Ms. Dang said it is the number of children. The minor is when you care for up to four children. The major family day home would be up to 12 children.

Councilmember Dent said they had to have the SUP approved first before they apply to have the license and that appears to be the case.

Ms. Dang said yes. As part of the regulations, the Department of Education, in the past it was the Department of Social Services, had sought zoning approval. We would fill out a form that the applicant would provide to the agency to prove that they obtained zoning approval.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to their request.

Katerin Mejia-Centeno, applicant, came forward to speak to her request. I would be taking care of the children, if you allow me, at 922 Jefferson Street.

Dave Wiens, 1520 College Avenue, came forward with Ms. Mejia-Centeno in support of the request.

Commissioner Whitten said I did some research about this. I was uncomfortable when we talked yesterday because I thought, as it is said in the country, sometimes you can get your cart before the horse. I was concerned because there is a 54-page document with all the regulations and all the things that you have to do to make this happen. In reviewing, I noticed that Prince William County has an entire ordinance for this. Step one is to obtain the permit, or the proper permission from the City for the zoning. That being said, I think you have your horse in the right position. It is step one. Not knowing anything about that, I felt that there was a lot of consideration for a daycare center before I would say yes to the zoning.

Commissioner Byrd said I noticed that the pavement in the back where your car was parked. Do you foresee, on a rainy day, how many cars can move around the residence?

Ms. Mejia-Centeno said three or four coming in and out.

Mr. Wiens said I discussed with her that, from previous experience, one of the questions that you are going to be concerned about is traffic and disruption to the neighborhood. I made it very clear to her that she needs to make sure that there cannot be a lot of people hanging around. They have to drop the kids off and pick them up and not be disruptive to the neighborhood. She said that she understood. That was her plan.

Mr. Wiens talked about his knowledge of the applicant and said that he was very supportive of her.

Commissioner Whitten said she seems to be a hard-working woman. Daycare is something that we need. Daycare is something that is needed in that neighborhood. I am in favor of her request.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Orndoff moved to recommend approval of the request.

Commissioner Whitten seconded the motion.

Chair Finnegan said that childcare is one of the issues that Faith in Action has decided to focus on this year. That was voted on by a number of congregations. This is a high priority for the City, for the faith community and for those families in this community.

Councilmember Dent said childcare is one of the prime priorities for City Council, along with housing, health and mental health. It is also a top priority for the Chamber of Commerce because they know how important it is for the workforce. This kind of solution is perfect because it is an “it takes a village” kind of approach. Let neighbors take care of each other provided that they have the background and the licensing. It is clear that she will be going through that process and this is the start of that. I support this as well.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Washington	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of the SUP request passed (7-0). The recommendation will move forward to City Council on October 11, 2022.