



City of Harrisonburg, Virginia

Department of Planning & Community Development

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Building Inspections
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April 29, 2019

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Public hearing to consider a request from Nereo G. Gomez with representative Paloma Saucedo for a special use permit per Section 10-3-34(6) of the Zoning Ordinance to allow a major family day home in the R-1, Single-Family 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 13,965 +/- sq. ft. property is addressed as 1447 Springside Drive and is identified as tax map number 114-D-5.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: April 10, 2019

Chair Way read the request and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as Low Density Residential. 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 following land uses are located on and adjacent to the property:

- Site: Single-family dwelling, zoned R-1
- North: Across Springside Drive, single-family dwelling, zoned R-1
- East: Single-family dwelling, zoned R-1
- South: Church/Religious Use, zoned R-1
- West: Single-family dwelling, zoned R-1

The applicant is requesting a special use permit per Section 10-3-34(6) of the Zoning Ordinance to allow a “major family day home” (MFDH) within the R-1, Single Family Residential District. The property is situated along a cul-de-sac public street located in the western part of the City. 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.* 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 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 as a home occupation.

The applicant, Paloma Saucedo, states in a letter that the MFDH will be a full immersion Spanish program, in which children will be exposed to Spanish language and culture. The operating hours will be 7:00am until 5:30pm, Monday through Friday; and will follow Harrisonburg City Schools' calendar, with summer and winter breaks, and observing all scheduled holidays. The applicant further describes there will be three providers, the applicant plus two others, employed with the MFDH. 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.

In addressing staff's questions regarding drop-off and pick-up procedures, the applicant has stated that parents will park along the street directly in front of the property where they will be met by an employee who will be receiving children to bring them inside the MFDH. This will help to minimize the amount of time a parent will need to be parked for drop-off. Children will be ready at pick-up times and parents will again park along the street in order to come in and pick-up children. The property currently has a single lane driveway, which can accommodate two vehicles; however, the applicant describes that the driveway is planned to be expanded to allow for three vehicles. The driveway will be used for employees and when space is available, parents can park there as well.

The applicant is working with the Virginia Department of Social Services (VDSS) towards licensure of the MFDH and is proposing to care for the maximum number of children, which would be twelve. The 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.

A neighbor concern regarding traffic and parking was received by staff today. The concern was that this would increase traffic and that driveway entrances, which are located very close to one another in this neighborhood, would be blocked by parents dropping-off and picking-up children. The City has approved applications for MFDHs in similar neighborhoods in the past, for example on Grant Street and Eastover Drive, and if these issues arise they have worked themselves out. Staff suggests that the applicant discuss parking and not blocking neighbors' driveways with all parents and staff associated with the MFDH.

Staff believes this type of child care facility is needed in our community. Staff has no concerns with the operation of the Major Family Day Home at this location and recommends approval of the special use permit request with no conditions.

Chair Way asked if there were any questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to the request. He reminded speakers to please give their name and address for the record.

Paloma Saucedo, the applicant, residing at 1447 Springside Drive, came forward to speak to her request. I have an 18-month old, a 16-year old, and a 19-year old. Not long ago, I ran for City Council. Through that process and having a child after 15 years, I learned that we really need quality day care in the area. We will be providing day care for children 0-months to 5 or 6 years of age. We are currently working with the Department of Social Services to become fully licensed. We want to make sure that parents feel that their children will be safe, loved, taken care of, celebrated, accepted and included for who they are. Our program is going to be a dual immersion program, so children will be exposed to Spanish (language) and

Latino culture 90 percent of the time. Most of the neighbors are excited because this neighborhood has grown. Most of the children in that area are now either young adults or adults. Some of the children are now having their own children and are excited to see that there will be a day care available. If the grandparents are going to offer childcare for their grandchildren, they also have the option of having the daycare close to their parents. Thank you for approving the request and hopefully we will move forward.

Chair Way asked if there were any questions for the applicant. Hearing none, he asked if there was anyone else wishing to speak regarding this request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Finks said that he wanted to respond to the concerns from the neighbor. We were out on the site visit, yesterday. The nature of that section of Springside Drive where it curves, the neighbor on the opposite side of the street has three or four times the amount of street frontage than the applicant's property does. There is ample parking on the street even though there is not much parking directly in front of the applicant's house. There is such a large amount of parking that I cannot imagine that there would ever be a problem with drop-offs or pick-ups.

Commissioner Finnegan agreed, saying that if they extend the driveway, there will not be any cars parked on the street.

Commissioner Finks added that the fact that it is a cul-de-sac limits the amount of traffic on the road. If parents have to park across the street, it will be safer crossing the street.

Commissioner Whitten said that that is true. I would add a note of caution. Having recently started having to drop-off and pick-up a child at both a day care and school, it is unbelievable how people behave in their cars, in the mornings and afternoons. They are rushing to get wherever they are going next, whether that be school, work or whatever. People do not always use the best judgment when they are dropping off and picking up children at school or day care. I do think that an intensive education program regarding drop-off and pick-up for parents when they begin and part way through the year would be helpful. I spoke with Ms. Banks regarding having an adult outside the residence to act as a safety patrol person and maybe a parent volunteer can do that. I think that is a good thing to consider because it is unbelievable how people behave when they are driving a very large vehicle and dropping-off little children. It is certainly something we need, and it looks like a suitable location.

Commissioner Finnegan said that the location is right off of Garbers Church Road. There is an elementary school down the road. I think it makes a lot of sense to have it at that location. Obviously, we are a child care desert, so that is something that this will help address.

Commissioner Finnegan moved to recommend approval the Special Use Permit as requested.

Commissioner Whitten seconded the motion.

All members voted in favor of recommending approval of the Special Use Permit.

Chair Way said that the recommendation for approval will move forward to City Council on May 14, 2019 with a recommendation of approval from this body.

Respectfully Submitted,

Alison Banks

Alison Banks
Senior Planner