



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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December 1, 2015

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT:

Public hearing to consider a request from Donna Ray Budzius and Adam J. Purcell for a special use permit per Section 10-3-40 (6) of the R-2, Residential District to allow for a Major Family Day Home. The 9,048 square feet property is located at 73 Rex Road and is identified as tax map parcel 9-M-3A.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: November 11, 2015

Chair Fitzgerald read the request and asked staff for a review.

Mrs. Banks said 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: Duplex dwelling, zoned R-2

North: Across Rex Road, single-family dwellings and duplex dwellings, zoned R-2

East: Duplex dwellings, zoned R-2

South: Duplex dwellings and single-family dwellings, zoned R-2

West: Across Lynne Place, single-family dwellings, zoned R-2

The applicant is requesting a special use permit per Section 10-3-40 (6) of the Zoning Ordinance to allow a "major family day home" (MFDH) within the R-2, Residential District. MFDHs 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.* The property is located on the southeast corner of Rex Road and Lynne Place, within the Willow Hills Subdivision.

The applicant currently provides care for four (4) full time children in the home, and is working with the Virginia Department of Social Services (VDSS) to become licensed as a MFDH provider in order to expand the enrollment. The VDSS application is for the maximum number of children, which is twelve (12); however, the applicant states it is likely only five to eight children would be provided care at any one time.

The facility is described as a clean, organized environment for children with an indoor activity area, large outdoor activity area, and a designated sleeping area. Off-street parking is available for drop-off and pick-up of children within the sizeable driveway on site. Hours of operation are 7:00 am until 5:00 pm with a staggered drop-off/pick-up schedule provided between 7:00 – 9:00 am and 4:30 – 5:00 pm, respectively. The size of the facility and the hours of operation are not conditions of the SUP and may change at times.

As previously detailed, the property is on the corner of Rex Road and Lynne Place, where there is a “STOP” sign for traffic entering Rex Road from Lynne Place. City Code Section 13-1-72 states “on street parking is not permitted within 30-feet of a “STOP” sign. Consequently, as discussed with the applicant, vehicles would not be allowed to park in front of the subject property, along Lynne Place between the “STOP” sign and the driveway entrance.

Staff does not foresee any negative impact in approving this application. Staff supports approval of the requested special use permit.

Chair Fitzgerald said on our tour yesterday we were able to see picking up of some of the children. Are there any questions for staff?

Mr. Way asked how busy are the streets in the neighborhood?

Mrs. Banks replied currently Rex Road is not a through street; it is a cul-de-sac neighborhood street. The traffic yesterday at five o'clock was basically a busy time.

Mr. Fletcher said Lynne Place is an internal neighborhood street; you have to enter a separate neighborhood street in order to get to any type of a collector street.

Mr. Baugh added there is a potential for development at the end of Rex Road. There is the idea of Central Avenue coming across Pleasant Hill Road into the neighborhood. If that was ever to develop, there would be two access points for Rex Road; probably would not increase traffic into the neighborhood. But historically, this is a quiet neighborhood.

Chair Fitzgerald asked if there were any further questions. Hearing none, she opened the public hearing and asked the applicant, or the applicant's representative to speak.

Donna Budzius, 73 Rex Road, said she is the applicant and thanked everyone for taking this into consideration tonight. There is one little correction I would like to make – the day actually begins at 7:30 a.m. Sometimes a parent will ask me to start a little early, which is not a problem; but, generally the day is 7:30 a.m. to 5:00 p.m.

Chair Fitzgerald asked if there were any questions for the applicant. Hearing none, she asked if there was anyone wishing to speak in favor of the request. Hearing none, she asked if there was anyone wishing to speak in general to the request.

Mrs. Banks said she received a letter this evening and would like to read it into the minutes.

To Whom It May Concern:

We are writing in regards to the public hearing for Donna Budzius regarding a special use permit to allow for a Major Family Day Home at her residence, 73 Rex Road. Unfortunately, we are not able to attend the hearing, so we are writing this letter in support of her request.

We have lived across the street from Donna for over 10 years. For the majority of the time we have been neighbors, she has cared for children out of her home. This has in no way been a disturbance to our neighborhood. She is a kind and thoughtful neighbor. Several years ago,

Donna cared for the children of one our friends, and our friend's family had a very positive child care experience with Donna and highly recommended her.

We strongly support Donna Budzius and her request to obtain a special use permit for a Major Family Day Home. She provides a much needed service in our community, and we think that by allowing her to have the permit, and continue to provide child care, it would only positively affect our neighborhood.

Please feel free to contact us regarding this matter if you have any questions or concerns.

Sincerely,

Ry and Jeanine Wilson

82 Rex Road

Harrisonburg, VA 22801

540-214-8237

jeaninemwilson@gmail.com

Chair Fitzgerald asked if there was anything else. Hearing nothing, she closed the public hearing and asked for discussion or a motion on the request.

Mr. Way made a motion to recommend approval of the request.

Mr. Colman seconded the motion.

Chair Fitzgerald called for a voice vote.

All voted in favor of the motion to recommend approval (5-0).

Chair Fitzgerald said this request will go forward to City Council on December 8th with a favorable recommendation.

Respectfully Submitted,

Alison Banks

Senior Planner