

Description of Project

Ms. Hogan has applied for a special use permit to operate a child day care center out of her home in the Kristiansand Subdivision. The applicant proposes renovating portions of the first floor of her house to accommodate up to eight children for a day care program. When the Planning Commission originally reviewed this case on June 4, 2001, Ms. Hogan had proposed a program to accommodate up to ten children. This number has since been scaled back, per her request, to eight children. Ms. Hogan currently operates a day care center with up to five children on the property, as permitted by James City County as a home occupation. The proposed child day care center with greater than five children requires both State licensing and a special use permit. The state requires an additional employee for day care centers with more than eight children.

Surrounding Zoning and Development

This property is located at 233 Nina Lane within the Kristiansand Subdivision off of Route 60. Single-family residences surround this site on the interior of Kristiansand. All surrounding properties are similarly zoned R-2, General Residential. Staff finds that a business of this size is not consistent with the surrounding development and the single-family residential character of the area.

Topography and Physical Considerations

The .331 acre site is relatively flat and surrounded by a fence. The site allows little room for play and recreation areas.

Public Utilities

The property is within the Primary Service Area (PSA). However, public sewer is not available to this site. This dwelling is served by a septic tank and a drainfield, which are adequate for the number of bedrooms associated with the home. However, the septic tank and drainfield may need to be updated to accommodate the increased use. Both the JCSA and the Health Department have concerns about the adequacy of the existing septic tank and drainfield to serve the proposed use.

Traffic Impacts and Access

The property is located on a corner lot on Nina Drive in the interior and back section of Kristiansand Subdivision. The property contains a 60-foot long driveway, which could accommodate six vehicles with no turn around. Traffic impacts would mainly occur during the peak a.m. hours. This would be the drop-off times for the children. Staff has concerns about on-site parking and vehicle circulation on Nina Drive as customers drop off children. Staff bases these concerns on the site being located within a neighborhood and not on a street designed to handle more traffic than typically generated in a single-family residential neighborhood. The Virginia Department of Transportation had no comments on this proposal.

Comprehensive Plan

The property is designated as Low Density Residential on the Comprehensive Plan Land Use Map. Examples of acceptable land uses within this designation include single-family homes, recreation areas, community oriented public facilities, schools, churches, and very limited commercial establishments. Nonresidential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located. Very limited commercial establishments, schools, churches, and community-oriented facilities should be located on collector roads at intersections where adequate

buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area. Since this site is located in the interior of an existing subdivision and not on a collector road, staff finds the proposal to be inconsistent with the Comprehensive Plan.

Home occupations are generally permitted in residential districts. Child day care centers with more than five children are not considered home occupations under the Zoning Ordinance. It is important to note that the proposal generates impacts in excess of those permitted for home occupations.

Recommendation:

While staff recognizes the community need for this type of child care service, staff finds the proposal inconsistent with the surrounding zoning and development and inconsistent with the Comprehensive Plan. Specifically, the amount of traffic and noise generated by a day care center business with eight children conflicts with the single-family residential character of the neighborhood. The Planning Commission voted five to two in denial of this project. Staff recommends denial of this proposal. If the Board of Supervisors chooses to approve this special use permit, staff recommends the following conditions:

1. If a certificate of occupancy has not been obtained for the project within thirty-six months from the issuance of the special use permit, the permit shall become void.
2. No more than eight children shall be permitted at the day care center.
3. The applicant shall receive full approval from the Health Department for septic tank and drain field capacity prior to final site plan approval.
4. The owner/operator of the child day care center shall reside on the property.
5. All play areas shall be screened with fencing or shrubbery subject to approval of the Planning Director.
6. Hours of operation shall be limited to 7:00 a.m. to 1:30 p.m., Monday through Friday.
7. A site plan shall be submitted to and approved by the Planning Director.
8. The special use permit shall be valid for a period of thirty-six months from the date of issuance of the special use permit.
9. No additional exterior lighting shall be permitted on the property other than lighting typically used at a single-family residence.
10. No signage shall be permitted on the property.
11. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Benjamin A. Thompson

CONCUR:

O. Marvin Sowers, Jr.

BAT/adw
sup0801.wpd

Attachment:

1. Approved Planning Commission Minutes (June 4, 2001)
2. Location Map
3. Planning Commission Policy Committee's proposal for child day care centers located in the interior of residential neighborhoods
4. Resolution