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Memorandum

To: Board of Zoning Appeals
 From: Jessica Plowgian, Chair of the Planning Commission *JPP*
 Meeting Date: July 10, 2024
 Re: Renewal of Conditional Use Permit for a Family Day Home at 305 Jade Court NW

Overview

The applicant is seeking renewal of a Conditional Use Permit (CUP) for a family day home for up to 12 children at 305 Jade Court NW. The applicant has operated a Family Day Home for 12 children at this site since 2019, after having an operation with fewer children for several years. The most recent CUP contained a condition that the permit would expire on August 6, 2024, thereby requiring a renewal to continue operations.

Public Feedback

Concerns with renewal

The Planning Commission (PC) received emails from six Town residents (three who live on Jade Court NW and three who live on Knoll St. or Nutley St.) who oppose renewal of the CUP for 12 children due to concerns with traffic, noise, parking, and pedestrian safety.

Two of these residents (one on Knoll St and one on Nutley St.) also attended the meeting to voice their concerns about traffic due to the enrollment at the day care as well as traffic from surrounding schools and care centers.

Support for renewal

The PC received written correspondence from two Town residents (one who lives on Jade Court NW), who support renewal of the CUP. In addition, the applicant submitted written correspondence from four additional neighbors on Jade Court NW who support renewal of the CUP.

Five current patrons of the Family Day Home attended the meeting to support the business. Two of the patrons reside within the Town's corporate limits. The other three reside in the greater Vienna area. They noted that the applicant frequently reminds families to park in the driveway or in front of her residence and asks them to abide by a staggered pick up and drop off schedule to minimize traffic in the street.

PC Discussion and Concerns

PC members had considerable discussion about the impact of traffic associated with this business on the neighborhood. Currently, there are 16 children permitted at the two Family Day Homes operating in this cul-de-sac (with 12 children at 305 Jade Court NW and four children permitted by-right at 304 Jade Court NW).

There is a pending application for a CUP that would permit an expansion of the existing Family Day Home at 304 Jade Court NW to care for 12 children. On May 22, 2024, the PC unanimously recommended that the BZA decline to issue such CUP due to concerns that the increased traffic from a larger enrollment would be detrimental to the safety and enjoyment of the neighborhood. The applicant has requested a delay in bringing that application to the BZA, so it will not be heard at least until September.

Some PC members advocated for reducing the CUP for 305 Jade Court NW to eight children (thereby limiting the total Family Day Home services currently permitted by CUP and by-right in the cul-de-sac to 12 children). These commissioners raised concerns that the presence of childcare services for 16 children in the cul-de-sac is detrimental to the residents in the neighborhood due to increased traffic and limited parking.

In addition to the Family Day Homes on this cul-de-sac, there are several schools and daycare centers outside of the cul-de-sac but in the immediate neighborhood, resulting in significant vehicle and pedestrian traffic. However, PC members noted that much of the traffic cited by residents opposing the CUP does not relate to this business and is instead associated with the other schools and businesses. Several PC members asserted that the renewal of the CUP for this property would not cause an increase in existing traffic. This business has been operating at its current enrollment for four years (and was operating at a smaller size for several years previously). Staff confirmed that the license for the by-right Family Day Home operating at 304 Jade Court NW was issued in October 2022.

PC members also discussed the applicant's successful operation of her business at this size since 2019. Staff confirmed that there have been no recorded violations or citations issued by the Department of Planning and Zoning or the Police Department with respect to the business. PC members noted the demonstrated need for this type of service in our community and the value it brings to the Town.

Ultimately, due to the successful operation of the business for the last several years and the need for these services in our community, the majority of PC members concluded that renewal of the CUP for 12 children would not have a negative impact on the neighborhood. They believed renewing this CUP is consistent with the Comprehensive Plan.

Planning Commission Recommendation
Renewal of Conditional Use Permit for a Family Day Home at 305 Jade Court NW

PC Recommendation

The PC made a motion to recommend that the Board of Zoning Appeals renew the Conditional Use Permit for a Family Day Home for up to 12 children at 305 Jade Court NW.

Motion: Commissioner Keith Aimone

2nd: Commissioner Stephen Kenney

Roll Call Vote: 5-2

Jessica Plowgian, Chair Aye

Matthew Glassman, Vice Chair

Per Electronic Participation Resolution Aye

Keith Aimone Aye

Deepa Chakrapani Nay

Stephen Kenney Aye

David Miller Nay

Douglas Noble

Per Electronic Participation Resolution Aye