



STAFF REPORT
DISCUSSION ITEM

Item # 4a & 6b

SUBJECT: OA15-03 – Zoning Ordinance Text Amendment to Increase the Maximum Enrollment of a Home Child Care from Six to Twelve – Town Alternative

DATE OF MEETING: January 7, 2016

STAFF CONTACT: Daniel Galindo, AICP – Senior Planner

SUMMARY and RECOMMENDATIONS:

Ana Maria Uceda of Purcellville, Virginia has submitted an application, coded by the Town as OA15-03, to amend Article 6, Section 7.1 of the Zoning Ordinance for the Town of Purcellville, Virginia to increase the maximum enrollment of a residential day care or home child care from six to twelve in all zoning districts. A public hearing on OA15-03 was held before the Planning Commission on November 19, 2015; see the November 19 staff report for additional information. At the Commission’s request, staff developed alternative regulations that should fulfill the basic intent of OA15-03 which were discussed on December 3, 2015; see the December 3 staff report for additional information. A public hearing on the alternative regulations is scheduled for January 7, 2016. Staff recommends approval of the Town’s alternative regulations.

BACKGROUND:

After the Planning Commission’s November 19 public hearing on OA15-03, the Commission discussed the possibility of alternative regulations with additional standards which would fulfill the intent of Ms. Uceda’s text amendment and requested that staff prepare draft regulations for the December 3 meeting. Based on the residential child care research that was presented to the Planning Commission at the November 19 meeting, staff developed a proposal which borrowed from the regulations of Leesburg, Culpeper, Loudoun County and Lovettsville. After discussion of staff’s proposal, the Commission requested changes which staff has incorporated in to the proposal that has now been formatted as it would appear in the zoning ordinance if adopted (Attachment 1). Specifically, the Commission requested the

changes listed in the table below; the location of the corresponding language in the proposed amendment is also noted.

Requested Change	Location of Change
1. Clarify the type of diagram (previously “sketch plan”) that must be submitted with the application.	Article 4, Section 1, Subsection 1.2.27.a.ii.2
2. Require that Homeowners Association (HOA) documentation submitted by the applicant must be notarized or on HOA letterhead.	Article 4, Section 1, Subsection 1.2.27.a.ii.3 & 4
3. Separately state that residential child cares must comply with state and Town regulations.	Article 4, Section 1, Subsection 1.2.27.a.iv & v
4. Clarify that the <i>location</i> of a residential child care must be the principal residence of the provider.	Article 4, Section 1, Subsection 1.2.27.a.vii
5. Allow a residential child care to have two non-resident employees.	Article 4, Section 1, Subsection 1.2.27.a.x
6. Clarify that the applicant may only use <i>HOA</i> community parking spaces for its employee parking.	Article 4, Section 1, Subsection 1.2.27.a.xi
7. Require HOA approval of a residential child care’s use of a HOA park or playground.	Article 4, Section 1, Subsection 1.2.27.a.xv
8. Clarify that no changes to the exterior appearance of the dwelling or lot housing a residential child care may be made unless required by the state license or <i>allowed</i> by the zoning ordinance.	Article 4, Section 1, Subsection 1.2.27.a.xviii

With the changes made since December 3, staff’s proposal would continue to fulfill the basic intent of OA15-03 and would differ from the standards of Loudoun County and/or Leesburg in the following significant ways:

- Residential child cares (RCC) would not be administratively approved in Purcellville and would always require a special exception.

- Purcellville would limit the location of RCCs to the provider's dwelling. This matches Loudoun but differs from Leesburg which has no such limitation.
- Purcellville would not limit the location of RCCs by lot size but rather by the type of dwelling within which they could be located. This allows townhomes that can meet the necessary standards to house a RCC but prevents RCCs from being located in apartments and accessory dwellings which are typically significantly smaller.
- The hours of operation for RCCs would be limited in Purcellville. This matches Loudoun but differs from Leesburg which has no such restriction.
- Two non-resident employees would be allowed for RCCs. This matches Loudoun but differs from Leesburg which only allows one.
- RCCs could use HOA community parking spaces for employees in Purcellville with the permission of a HOA.
- Purcellville would cap the maximum number of children in a RCC at 12 including the provider's children and/or any children living in the home. This matches Loudoun but differs from Leesburg which excludes the provider's children or any that reside in the home.

ISSUES:

See the November 19 staff report for the original discussion.

ANALYSIS:

Staff previously expressed concerns about Ms. Uceda's original request to double the size of residential child cares as a by-right use because there are very few standards for the use currently and no additional standards were proposed by the application; see the November 19 staff report for the original discussion. Staff believes these concerns would be largely addressed by the additional standards now being proposed by the Town. By requiring a special exception for residential child cares and ensuring that such uses meet the proposed standards:

1. Future residential child cares should be harmonious with their surroundings;
2. Such uses would better comply with the purposes of the Town's residential zoning districts; and
3. The possibility for negative town-wide effects would be limited.

FINDINGS:

1. The Town's alternative proposal would fulfill the basic intent of OA15-03.

2. The Town's alternative for OA15-03 is partially to generally supported by the *Financial Planning for the Future, 2025 Economic Development Guiding Principles* and *2025 Land Use Polices* sections of the Purcellville, Virginia 2025 Comprehensive Plan.
3. The Town's alternative for OA15-03 is generally supported by the purpose statements of the R-2, R-3, R-8 and R-15 Districts.
4. Town-wide effects from the Town's alternative for OA15-03 are possible but unlikely.

ATTACHMENTS:

1. Town's Proposed Zoning Ordinance Text Amendments for Residential Child Cares
2. OA15-03 Application