



22SN0015 – Kinda and Mark Fernandez

Magisterial District – Bermuda

Applicant – Kinda and Mark Fernandez (804-317-4419)

CPC Public Hearing – May 17, 2022

Time Remaining

100 Days

Case Manager

Summer Morris

(804-751-4151)

Request

Conditional Use

Renew conditional use for a family day care home

Staff Recommendation

Approval

The Property

441 Comstock Drive

Site Size

0.41 Acres

Comprehensive Plan – Land Use Designation

Residential

Plan Area

Northern
Courthouse Road
Community Plan

Figure 1: Aerial of Request Area – Click Image for Link to GIS

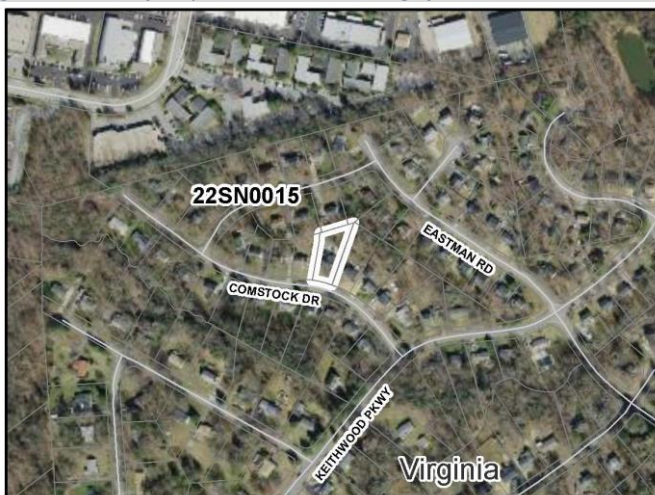
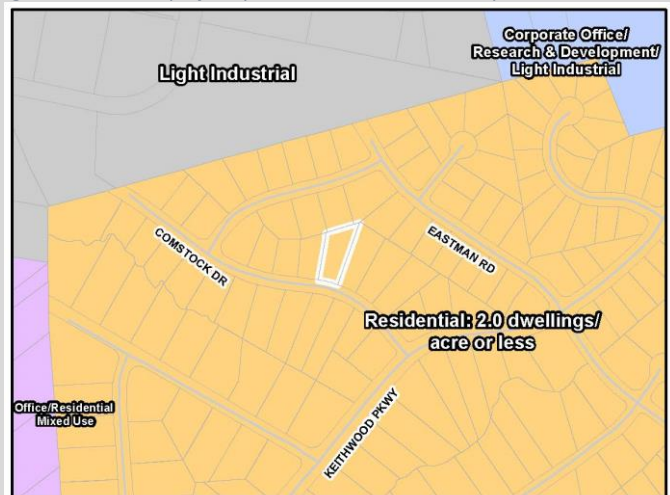


Figure 2: Area Map of Request & Land Use Plan Map



Summary of Proposal

The applicants are requesting to renew conditional use to permit the operation of a licensed family day care home, which was previously approved by Case 16SN0571. The applicants plan to continue caring for up to twelve (12) children and request to delete a condition from the prior case that placed a time limit on the use.

Recommendations

STAFF - APPROVAL

Staff recommends approval. As conditioned, the residential character of the area will be maintained and this use has minimal impact to surrounding properties. There have been no zoning violations for the subject property related to the use.

NOTES FOR THE PLANNING COMMISSION AND BOARD OF SUPERVISORS

1. Conditions may be imposed and are included with this report.

Zoning History

16SN0571: Approved (2/2016)

Conditional use to permit a family day care home. Conditions of approval include:

1. Use is not transferrable with ownership
2. No exterior additions or alterations made to the existing structure
3. Number of children limited to a maximum of twelve (12)
4. Hours of operation limited to Monday through Friday from 6:30 a.m. to 6:00 p.m.
5. A five (5) year time limit for the use
6. Outdoor play areas must have perimeter fencing and be located at least fifteen (15) feet from rear and side property lines
7. No more than one (1) employee, other than family members that live on the premises, working on the premises

Comprehensive Plan – Land Use Plan Designation

The Comprehensive Plan designates the Property for Suburban Residential II, which suggests the Property is appropriate for residential development at a maximum density of 2.0 to 4.0 dwellings per acre.

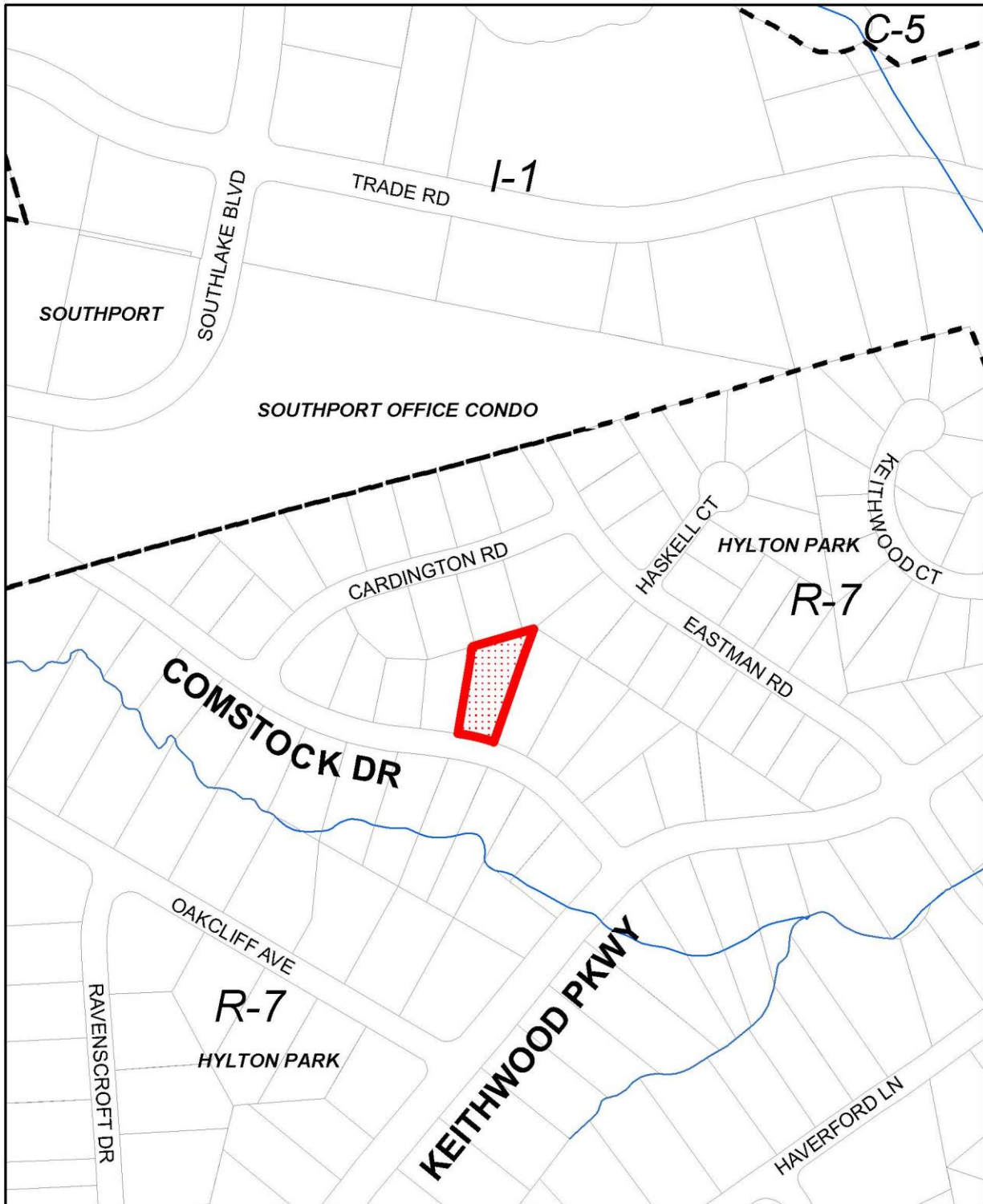
Proposal

The applicants are requesting to renew approval of conditional use (Case 16SN0571) to continue the operation a licensed family day care home. Figure 3, below, shows an aerial view of the property with the property outlined in blue. This family day care home has been operating since 2010 under voluntary registration with less than five (5) children at a time, which does not require zoning approval, and their capacity was increased in 2016 with zoning approval (Case 16SN0571) to a maximum of twelve (12) children at a time.

Conditions for this request will be the same as the previous case, with the exception of the five (5) year time limit for the request being removed. The applicant will continue to comply with Virginia Department of Social Services regulations for family day care homes licensing in order to operate.

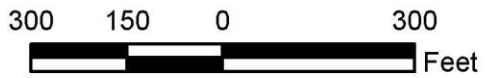




Figure 3: Aerial View of 441 Comstock Drive



Map 1:  **Subject Property**

Case #: 22SN0015
Acreage: 0.41
Address: 441 COMSTOCK DRIVE
GPIN: 745-705-3392



-  Resource Protection Area
-  Streams



Supplemental Analysis

Community Enhancement

No comment on this request.

Environmental Engineering

No comment on this request.

Fire & Emergency Medical Services

Service Area

The Courthouse Fire Station, Company Number 20

Additional Information

This request will have minimal impacts on Fire & Emergency Medical Services.

Police

Division	Beat	District
Swift Creek	12	Clover Hill

Additional Information

This request is anticipated to have minimal impacts on Police.

Transportation - County Department of Transportation

The traffic impact of the request is anticipated to be minimal.

Transportation - Virginia Department of Transportation

This zoning case is a local matter and VDOT has no comment at this time.

Utilities – Water and Wastewater

The existing residence on the request site is connected to the public water and wastewater systems. The renewal of the Conditional Use for a family day care home will not cause an additional impact on the public water and wastewater systems. The Utilities Department supports this request.

Community Engagement & Public Hearings

Community Meetings

The applicant sent letters to adjacent property owners notifying them about the request in lieu of hosting a community meeting and with approval from the district's Planning Commissioner. No feedback was received from the letter recipients.

Conditions

1. Non-Transferable Ownership. This conditional use approval shall be granted to and for Kinda and Mark Fernandez, exclusively, and shall not be transferable nor run with the land. (P)
2. Expansion of Use. There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. Signage. There shall be no signs permitted to identify this use. (P)
4. Number of Children. This conditional use approval shall be limited to providing care, protection, and guidance to a maximum of twelve (12) children, other than the applicants' own children or any children that reside in the home, at any one time. (P)
5. Hours of Operation. Hours and days of operation shall be limited to Monday through Friday from 6:30 a.m. to 6 p.m. There shall be no Saturday or Sunday operation of this use. (P)
6. Fenced Outdoor Play Areas. Any outdoor play area and/or recreational equipment utilized by the family day care home shall be located in the side or rear yard of the property. Outdoor play and/or recreational equipment areas shall have perimeter fencing of at least four feet in height installed and maintained around the equipment or play area. All equipment for outdoor play areas shall be located no closer than fifteen (15) feet from the side or rear property lines. (P)
7. Employees. No more than one (1) employee shall be permitted to work on the premises other than family member employees that live on the premises. (P)

Case Contacts

Applicant

- **Applicant's Contact:**
Kinda and Mark Fernandez (804-317-4419)
kindasgarden@gmail.com

District Planning Commissioner

- Gloria L. Freye, J.D. (804-768-7381)
freyeg@chesterfield.gov

Staff

- **Planning Department Case Manager:** Summer Morris (804-751-4151) morrissu@chesterfield.gov
- **Community Enhancement:** Carl Schlaudt (804-318-8674) schlaudtc@chesterfield.gov
- **Environmental Engineering:** Rebecca Rochet (804-748-1028) rochetr@chesterfield.gov
- **Fire & Emergency Medical Services:** Anthony Batten (804-717-6167) battena@chesterfield.gov
- **Police:** Jim Eicher (804-318-8693) eicherj@chesterfield.gov
- **Transportation - County Department of Transportation:** Steve Adams (804-751-4461)
adamsst@chesterfield.gov
- **Transportation - Virginia Department of Transportation:** Willie Gordon (804-674-2907)
willie.gordon@vdot.virginia.gov
- **Utilities:** Randy Phelps (804-796-7126) phelpsc@chesterfield.gov