City of Virginia Beach

Applicant **Jasmeen Gould**
Property Owner **Cruz Living Trust, dated November 22, 2011**
Public Hearing **September 12, 2018**
City Council Election District **Rose Hall**

Agenda Item
11

Request
Conditional Use Permit (Family Day-Care Home)

Staff Recommendation
Approval

Staff Planner
Robert Davis

Location
4440 Pissarro Drive

GPIN
1475669073

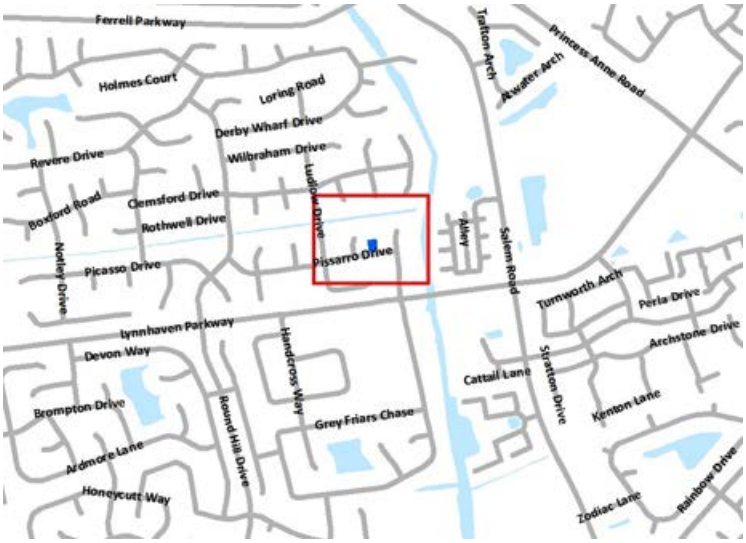
Site Size
10,114 square feet

AICUZ
Less than 65 dB DNL

Watershed
Southern Rivers

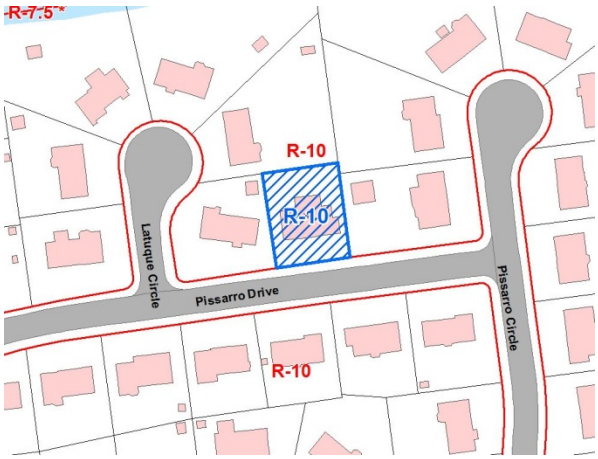
Existing Land Use and Zoning District
Single-family dwelling / R-10 Residential

Surrounding Land Uses and Zoning Districts
North
Single-family dwellings / R-10 Residential
South
Pissarro Drive
Single-family dwellings / R-10 Residential
East
Single-family dwellings / R-10 Residential
West
Single-family dwellings / R-10 Residential



Background and Summary of Proposal

- The applicant requests a Conditional Use Permit for a Family Day-Care Home to care for up to 12 children within a single-family dwelling in the Salem Woods neighborhood.
- The property has an enclosed back yard for the children to play safely outdoors.
- The proposed typical hours of operation will be from 6:00 a.m. to 6:00 p.m. Monday through Friday.



No Zoning History to Report

Application Types		
CUP – Conditional Use Permit REZ – Rezoning CRZ – Conditional Rezoning	MOD – Modification of Conditions or Proffers NON – Nonconforming Use STC – Street Closure	FVR – Floodplain Variance ALT – Alternative Compliance SVR – Subdivision Variance

Evaluation and Recommendation

The proposed Conditional Use Permit request for a Family Day-Care Home, in Staff's opinion, is consistent with the Comprehensive Plan's land use policies for residential areas, as it will provide a valuable service for families in the Suburban Area. To alleviate the potential for congestion of client parking in the right-of-way, Staff recommends a condition to stagger pickup and drop off times.

For the reasons stated above, Staff recommends approval of this application, subject to the following conditions.

Recommended Conditions

1. Arrival and departure times shall be staggered to avoid vehicular congestion.
2. The Family Day-Care Home shall be limited to a total of twelve (12) children, other than children living in the home.
3. The applicant shall maintain a license for the in-home daycare operation with the Commonwealth of Virginia, Department of Social Services.

4. No more than one (1) person, other than the applicant, shall assist with the operation of the family day-care home at any one time.

5. Any sign identifying the Home Occupation shall be non-illuminated, not more than one (1) square foot in area and shall only be mounted flat against the residence.

6. The applicant shall obtain all necessary permits and inspections from the City of Virginia Beach. Prior to operation, the applicant shall obtain a Certificate of Occupancy from the Building Official's Office for use of the house as a Family Day-Care Home.

Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any uses allowed by this Use Permit are valid.

The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.

Comprehensive Plan Recommendations

The Comprehensive Plan recognizes this property as being within the Suburban Area. Guiding principles have been established in the Comprehensive Plan to guard against possible threats to the stability of the Suburban Area and to provide a frame work for neighbors and places that are increasingly vibrant and distinctive. The Plan's primary guiding principle for the Suburban Area is to create "Great Neighborhoods," and to support those neighborhoods with complementary non-residential uses in such a way that working together the stability and sustainability of the Suburban Area is ensured for now and the future.

Natural and Cultural Resources Impacts

The site is located in the Southern Rivers watershed. There does not appear to be any significant natural or cultural resources associated with the site.

Traffic Impacts

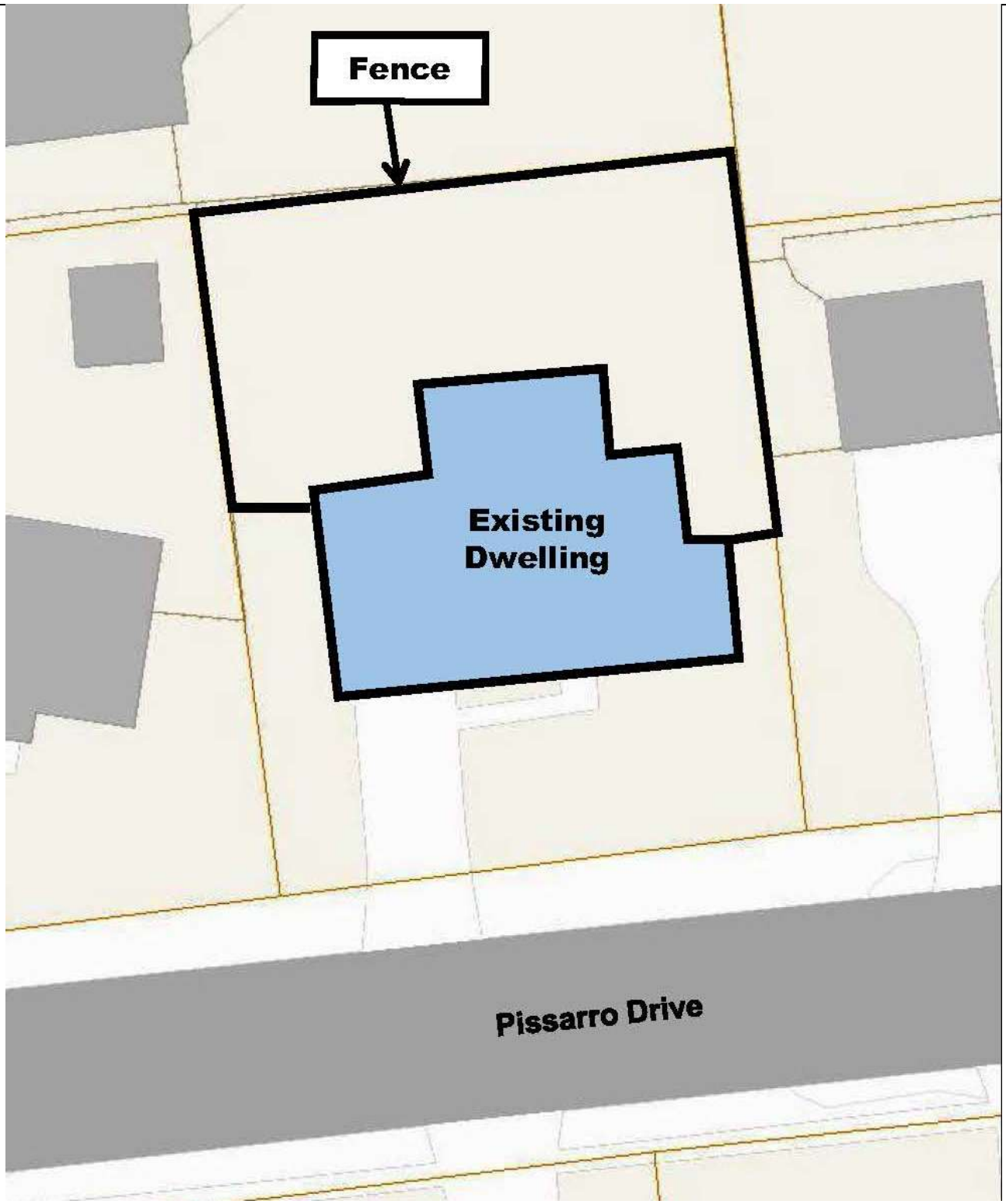
Street Name	Present Volume	Present Capacity	Generated Traffic
Pissarro Drive	No Data Available		Existing Land Use [2] – 10 ADT Proposed Land Use [3] - 48 ADT
[1] Average Daily Trips	[2] as defined by one single-family dwelling	[3] as defined by Family Day-Care Home with up to 12 children	[4] LOS = Level of Service

Public Utility Impacts

Water & Sewer

This site is currently connected to both City water and sanitary sewer service.

Site Layout



Site Photos

City of Virginia Beach

APPLICANT'S NAME Jasmeen Gould

DISCLOSURE STATEMENT FORM

The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

	Acquisition of Property by City	Disposition of City Property	Modification of Conditions or Proffers
	Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
	Board of Zoning Appeals	Encroachment Request	Rezoning
	Certificate of Appropriateness (Historic Review Board)	Floodplain Variance Franchise Agreement	Street Closure
	Chesapeake Bay Preservation Area Board	Lease of City Property	Subdivision Variance
X	Conditional Use Permit	License Agreement	Wetlands Board

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.

SECTION 1 / APPLICANT DISCLOSURE

Page 1 of 7

FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).			
☐	APPLICANT NOTIFIED OF HEARING	DATE:	
☐	NO CHANGES AS OF	DATE:	
☐	REVISIONS SUBMITTED	DATE:	

City of Virginia Beach

☒ Check here if the **APPLICANT *IS NOT*** a corporation, partnership, firm, business, or other unincorporated organization.

☐ Check here if the **APPLICANT *IS*** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Jasmeen Gould
If an LLC, list all member's names:

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

(B) List the businesses that have a parent-subsidiary [1] or affiliated business entity [2] relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes [1] and [2]

SECTION 2 / PROPERTY OWNER DISCLOSURE

Complete Section 2 only if property owner is different from Applicant.

☒ Check here if the **PROPERTY OWNER *IS NOT*** a corporation, partnership, firm, business, or other unincorporated organization.

☐ Check here if the **PROPERTY OWNER *IS*** a corporation, partnership, firm, business, or other unincorporated organization, ***AND THEN,*** complete the following.

(A) List the Property Owner's name: Cruz Living Trust, dated November 22, 2011
If an LLC, list the member's names:

City of Virginia Beach

If a Corporation, list the names ofall officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

Trustee: Renato A. Cruz
Trustee: Shirley Cruz

(B) List the businesses that have a parent-subsidiary [1] or affiliated business entity [2] relationship with the Property Owner: *(Attach list if necessary)*

[1] "Parent-subsidiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." *See* State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

[2] "Affiliated business entity relationship" means "a relationship, other than parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." *See* State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY

City of Virginia Beach

APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
☒	☐	Accounting and/or preparer of your tax return	Dawn @ Fast Tax
☐	☒	Architect / Landscape Architect / Land Planner	
☐	☒	Contract Purchaser (if other than the Applicant) – identify purchaser and purchaser's service providers	
☐	☒	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
☐	☒	Construction Contractors	
☐	☒	Engineers / Surveyors/ Agents	
☐	☒	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
☐	☒	Legal Services	
☐	☒	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES	NO	
☐	☒	**Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?**

If yes, what is the name of the official or employee and what is the nature of the interest?

Virginia Beach

CERTIFICATION:
I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, **I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application**.

Jasmeen Gould	Jasmeen Gould	7-6-18
APPLICANT'S SIGNATURE	PRINT NAME	DATE

City of Virginia Beach

OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
☐	☒	Accounting and/or preparer of your tax return	
☐	☒	Architect / Landscape Architect / Land Planner	
☐	☒	Contract Purchaser (if other than the Applicant) – identify purchaser and purchaser's service providers	
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Disclosure Statement

City of Virginia Beach

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Shirley Mercy, trustee	SHIRLEY M. CRUZ, Trustee	23 Aug 2018
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE