



# Town of Luray, Virginia

## Council Agenda Statement

Item No: VI - B

Meeting Date: May 14, 2018

Agenda Item: COUNCIL CONSIDERATION  
Item VI – B – SUP 18-2 – 58 North Broad Street

Summary: Council is requested to consider a request from Michelle Walters to approve a Special Use Permit for 58 North Broad Street (Tax Map No. 42A4-A-53), a 0.188 acre parcel to allow the property to be used as a child care.

The Planning Commission conducted a Public Hearing and discussed the request at their April 11<sup>th</sup> meeting. The Commission recommend approval of the rezoning request and the SUP for use as a child care facility.

As the property has historically operated as a residence, and this request is to rezone the property to B1 – General Business, consideration of this request should acknowledge that the historical residential use is approved to continue with the property zoned B1 – General Business. As the property is located in the established FEMA Floodplain, consideration of the SUP should also acknowledge that the building is located in the floodplain and is approved to operate as a child care facility and residence in the floodplain.

Ms. Walters informed the Planning Commission that she had installed a fence on the rear of her property adjacent to the building to enhance the safety of operation. She also stated that she had a written agreement with the adjacent property owner (42A4-A-52) to use the lot for parking and for parents to drop off/pick up children at the child care facility. Council should consider including these as conditions of approval of the SUP.

Rezoning of the property will allow expanded use of the property which has historically served a residential use along with a “family day home” as defined by Virginia Code § 63.2-100 as a residence with a provider serving no more than four children. Virginia Code § 15.2-2292 allows owners to operate a “family day home” with four or less children without local permitting, but does require permitting to operate with more than four children.

Council Review: April 24<sup>th</sup> Council Work Session

Fiscal Impact: N/A

Suggested Motion: I move that Town Council approve the request of Special Use Permit application SUP 18-2 from Michelle Walters for 58 North Broad Street to operate a child care facility as presented. I further move that the following acknowledgements and conditions be included in the approval for SUP 18-2: 1) Approval acknowledges the historical residential use of the property; 2) Approval acknowledges the location of the property being within the established FEMA Floodplain; 3) Approval is conditioned upon a fence being installed for operation as a child care facility; and 4) Approval is conditioned upon an executed agreement with parcel 42A4-A-52 to allow parking and drop off/pick up of children.