

Board Agenda Item  
January 29, 2013

3:30 p.m.

Public Hearing on SE 2012-HM-009 (InSite Real Estate Investment Properties, L.L.C) to Permit Child Care Center and Nursery School with a Total Enrollment of 206 Children, Located on Approximately 1.52 Acres of Land Zoned C-5, R-1 and SC (Hunter Mill District)

This property is located in the Northwest quadrant of the intersection of Centreville Road and West Ox Road. Tax Map 25-1 ((1)) 18F.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 10, 2013, the Planning Commission voted 11-0-1 (Commissioner Hedetniemi abstaining) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2012-HM-009, subject to the development conditions dated January 3, 2013;
- Waiver of the minimum lot area and lot width requirements for the R-1 and C-5 Districts;
- Modification of the eight-foot wide trail requirement along Centreville Road to allow the existing five-foot wide concrete sidewalk to remain;
- Modification of the interior parking lot landscaping requirement to that shown on the SE Plat and as conditioned;
- Waiver of the barrier requirement along the northern and western boundaries of the subject property;
- Waiver of the tree preservation target requirement; and
- Waiver of construction of the on-road bike lane and road improvements due to constraints on the property.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim Excerpt

Staff Report previously furnished and available online at:

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4402640.PDF>

STAFF:

Board Agenda Item  
January 29, 2013

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning  
(DPZ)  
St. Clair Willaims, Department of Planning and Zoning

Planning Commission Meeting  
January 10, 2013  
Verbatim Excerpt

SE 2012-HM-009 – INSITE REAL ESTATE INVESTMENT PROPERTIES, LLC

Decision Only During Commission Matters  
(Public Hearing held on December 5, 2012)

Chairman Murphy: Mr. de la Fe, please.

Commissioner de la Fe: Thank you, Mr. Chairman. On December 5<sup>th</sup>, 2012, we had a public hearing on Insite Real Estate Investment Properties, LLC, SE 2012-HM-009, to develop a daycare and nursery school in the Hunter Mill District. There was considerable, if not unanimous, opposition from the neighbors; primarily, if not exclusively, because of additional traffic and safety concerns that were perceived to come from this use. We deferred the decision so that we could get the applicant's studies and analyses related to the traffic concerns and how VDOT and FDOT had worked with the applicant to lead to a decision to recommending approval by the staff. They have mitigated, I believe, to the best possible way the traffic concerns that would result from this development. If you will recall, this is a site located at an intersection which is already traffic-challenged, primarily because of its location on a major road next to a fire station and with a nearby elementary school. Most of the traffic concerns that were raised – I mean, there are many traffic concerns already-related to the school that exists and what might happen with the fire station if the fire engines had to go out at the same time children were going into the daycare and so on and so forth. I believe that this is a situation which exists wherever there is a fire station and there are a number of fire stations and schools located near daycare centers. This site is also unique in the sense that it is zoned C-5 and R-1. Given the impact of the traffic and safety concerns expressed by the neighbors, they would have preferred that this site be developed a residential site, which would lead to two houses. Given its location, and frankly it's – all the inquiries over the years that we have had on this site – it is doubtful, if not highly improbable, that two residences would ever be built on this site. I realize that this is difficult for anyone that lives along this street and the neighborhood farther down, but under the C-5 regulations you could have a use here that could be, in my opinion, from traffic and community concerns, much worse than a nursery and daycare. Nursery and daycare facilities are much needed throughout the County and I believe that this would be the best use for this site, despite the possible additional traffic that it might bring. The – all the studies that we have and the mitigating circumstances that have been agreed to by the developer would, I believe, not necessarily improve the situation, but will not make it any worse than it already is. Therefore, Mr. Chairman, I WOULD LIKE TO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2012-HM-009, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED JANUARY 3, 2013.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2012-HM-009, say aye.

Commissioners: Aye.

Commissioner Hedetniemi: Abstain.

Chairman Murphy: Opposed? Motion carries. Ms. Hedetniemi abstains. She also, for the record, abstained on the last motion to defer decision on the Sully case.

Commissioner de la Fe: And she will probably abstain from – I have a series of other motions related to this case.

Chairman Murphy: Go ahead.

Commissioner de la Fe: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE MINIMUM LOT AREA AND MINIMUM LOT WIDTH REQUIREMENTS FOR THE R-1 AND C-5 DISTRICTS.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Commissioner Hedetniemi: Abstain.

Chairman Murphy: Opposed? Same abstention.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE EIGHT-FOOT WIDE TRAIL REQUIREMENT ALONG CENTREVILLE ROAD TO ALLOW THE EXISTING FIVE-FOOT WIDE CONCRETE SIDEWALK TO REMAIN.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Commissioner Hedetniemi: Abstain.

Chairman Murphy: Opposed? Motion carries; same abstention.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION

OF THE INTERIOR PARKING LOT LANDSCAPING REQUIREMENT TO THAT SHOWN ON THE SE PLAT AND AS CONDITIONED.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Commissioner Hedetniemi: Abstain.

Chairman Murphy: Opposed? Motion carries; same abstention.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENT ALONG THE NORTHERN AND WESTERN BOUNDARIES OF THE SUBJECT PROPERTY.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor, say aye.

Commissioners: Aye.

Commissioner Hedetniemi: Abstain.

Chairman Murphy: Opposed? Motion carries; same abstention.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE TREE PRESERVATION TARGET REQUIREMENT.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Commissioner Hedetniemi: Abstain.

Chairman Murphy: Opposed? Motion carries; same abstention.

Commissioner de la Fe: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE CONSTRUCTION OF THE ON-ROAD BIKE LANE AND ROAD IMPROVEMENTS, DUE TO CONSTRAINTS ON THE PROPERTY.

Commissioner Hart: Second.

Commissioner Hedetniemi: Abstain.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries; same abstention.

Commissioner de la Fe: Thank you, Mr. Chairman. And I thank all the neighbors that came out. I realize that this is not what you wanted, but I believe that in the end this is the best use for this land. Thank you.

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(The motions carried by votes of 11-0-1 with Commissioner Hedetniemi abstaining.)

JLC