

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JULY 23, 2003**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District

ABSENT: Ronald W. Koch, Sully District
Laurie Frost Wilson, Commissioner At-Large

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The meeting was called to order at 8:30 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Hall, at the request of the applicant, MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON SEA 94-M-047, SAUL SUBSIDIARY I LP, TO A DATE CERTAIN OF SEPTEMBER 24, 2003.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Koch and Wilson absent from the meeting.

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Commissioner DuBois MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON RZ 2001-DR-038, FAIRFAX COUNTY PARK AUTHORITY, RZ 2001-DR-013 AND SEA 97-D-038, TRUSTEES OF TEMPLE RODEF SHALOM, TO A DATE CERTAIN OF SEPTEMBER 24, 2003.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Koch and Wilson absent from the meeting.

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FS-D03-14 - Omnipoint Communications - 8107 Old Dominion Drive

Commissioner DuBois MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY OMNIPOINT AT 8107 OLD DOMINION DRIVE IS IN ACCORDANCE WITH RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Koch and Wilson absent from the meeting.

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Commissioner Murphy, to allow time for further review of the proposed language of these amendments, MOVED THAT WE FURTHER DEFER THE DECISIONS ONLY ON THE ZONING ORDINANCE AMENDMENT FOR TELECOMMUNICATIONS AND S03-CW-1CP, OUT-OF-TURN PLAN AMENDMENT, TO A DATE CERTAIN OF SEPTEMBER 11, 2003, WITH THE RECORD STILL REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Koch and Wilson absent from the meeting.

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Commissioner de la Fe reminded the Commission that the Transportation Committee would meet on Wednesday, July 30, 2003 at 7:30 p.m. in the Board Conference Room.

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Commissioner Smyth reported that the Policy and Procedures Committee had met this evening to continue discussions of the Area Plans Review (APR) process and stormwater management facilities. She added that the next meeting of the Committee would take place on Wednesday, September 10, 2003 at 7:30 p.m. in the Board Conference Room to further address the APR process.

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Commissioner Smyth announced her intention to defer the decision on S02-II-V2, an Out of Turn Plan Amendment regarding the Fairlee subdivision, from Thursday, July 24, 2003, to an indefinite date.

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Chairman Murphy resumed the Chair.

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2232-H03-4 - FAIRFAX COUNTY PARK AUTHORITY - Appl. to add land to Frying Pan Park, located at 2709 West Ox Rd., Herndon, and to update and renovate existing facilities and develop new facilities at the park. Tax Maps 25-1 ((1)) 3A, 3L, 9, 10, 11, 29, 30, 31; 25-1 ((14)) B, C, E, F, G; 25-1 ((14)) (6) A; 25-1 ((14)) (7) B. HUNTER MILL DISTRICT. PUBLIC HEARING.

David Jillson, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Commissioner de la Fe disclosed that he had been the Chairman of the Park Authority at the time the subject property was acquired.

Kelly Davis, Project Manager, Fairfax County Park Authority, explained that this application was the result of a lot of hard work by the staff at Frying Pan Park, residents and user groups who visited the Park on a regular basis, and the Task Force members who were part of the Park Authority's master planning process. She added that the renovations would be beneficial to the park and that staff was looking forward to implementation of the proposed changes.

In response to questions from Commissioner Byers, neither Ms. Davis nor Commissioner de la Fe knew why the stream valley in the northeast portion of the map appeared to be divided in half, with only the lower portion being part of the application property. Commissioner DuBois noted that the upper portion was labeled McNair Farms and suggested that it might be common ground owned by the McNair Farms Homeowners Association. Mr. Jillson said he believed the land in question was owned by the Park Authority, but was not part of Frying Pan Park because it was designated open space for the Sycamore Ridge neighborhood of McNair Farms.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Chaujun Lee, 13107 Farmsted Court, Herndon, expressed his concern about maintenance of the proposed park addition. He said that the large unmowed meadow was a haven for mosquitoes, carriers of the West Nile virus.

Bill Bernstein, 2680 Logan Wood Drive, Herndon, agreed with Mr. Lee that there was a maintenance problem with what he called "the back of the park." He commented on illegal usage of the area and stated that enforcement of park rules was lax.

Terrance McGuire, 13325 Point Rider Lane, Herndon, representing the Borneham Woods Homeowners Association, supported the proposed addition to Frying Pan Park; however,

he suggested that the new entrance be relocated because it was too close to the single existing entrance to his neighborhood.

Robin Sabin Rentsch, 718 Springvale Road, Great Falls, spoke in support of the application, including the proposed new entrance. She commented on the amenities offered at the park. (A copy of Ms. Rentsch's statement is in the date file.)

Giovanni Ingrao, 549 Florida Avenue, Unit 202, Herndon, agreed with the first two speakers that better maintenance was needed. He suggested that the Park Authority provide a pedestrian entrance to the park by his neighborhood.

In response to questions from Commissioner Byers, Mr. Ingrao could not say whether the Sully District representative on the Park Authority had been made aware of the problems he described.

In response to questions from Commissioner de la Fe, Mr. Ingrao acknowledged that he had not participated in the Park Authority's master planning process.

Laura Galanti, 2480 Iron Forge Road, Herndon, explained that she was a eight-year member of 4-H and frequent user of Frying Pan Park. She extolled the merits of the park, noting that she had served on the master plan committee, and whole-heartedly supported this application.

There were no further speakers, therefore Chairman Murphy called upon Ms. Davis for rebuttal.

Ms. Davis explained that the unmowed meadow mentioned by Mr. Lee was a stormwater detention area and was not mowed at the request of the Department of Public Works and Environmental Services (DPWES). She added that the area referred to by Mr. Bernstein had only recently been acquired by the Park Authority, but assured the Commission that it would be properly maintained in the future.

Commissioners Harsel and de la Fe discussed the ownership of the subject property.

Ms. Davis continued her rebuttal, noting that the location of the new entrance location had been chosen after consultation with the County's Department of Transportation and the Virginia Department of Transportation. She listed the alternatives considered and explained why they were not selected.

In response to a question from Commissioner de la Fe, Ms. Davis stated that construction of the new entrance was not currently funded, therefore she could not say when it would take place.

In response to questions from Commissioner Hall, Ms. Davis reiterated that DPWES had asked the Park Authority not to mow the meadow being used as a stormwater management facility and

Todd Brown, manager of Frying Pan Park, further explained that that practice was instituted in compliance with the regulations of the Chesapeake Bay Protection Act.

In reply to questions from Commissioner de la Fe, Mr. Brown stated that the meadow functioned as a dry pond and that Frying Pan Park had 22 employees.

There were no further comments or questions from the Commission and Mr. Jillson had no closing staff remarks, therefore Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for action on this case. (A verbatim transcript is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION FIND THE PROPOSAL BY THE FAIRFAX COUNTY PARK AUTHORITY TO ADD LAND TO FRYING PAN PARK IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND VIRGINIA CODE SECTION 15.2 2232, AS AMENDED.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Koch and Wilson absent from the meeting.

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SE 2003-HM-004 - SUNITA SINGH - Appl. under Sect. 6-105 of the Zoning Ordinance to permit a home child care facility. Located at 13262 Middleton Farm La. on approx. 16,486 sq. ft. of land zoned PDH-3. Tax Map 25-3 ((15)) 178. HUNTER MILL DISTRICT. PUBLIC HEARING.

Ramdas Singh, husband of the applicant, reaffirmed the affidavit dated September 14, 2003. There were no disclosures by Commission members.

Tracy Swagler, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

In response to questions from Commissioner Harsel, Ms. Swagler confirmed that the number of children requested did not include the applicant's own.

Mr. Singh said he had conducted a door-to-door survey of his neighborhood and, of those residents contacted, 40 were supportive of the application and 15 were opposed. He noted that the proposed child care use met all applicable regulations and commented on the need for this service in the County.

In response to questions from Commissioner Hall, Mr. Singh said he and his wife had two children, ages 4 and 6.

In response to questions from Commissioner Harsel, Mr. Singh confirmed that his wife currently cared for seven children and had been in business for approximately one year and four months.

Chairman Murphy called the first listed speaker.

Laura Haggerty-Lacalle, 13268 Holly Meadow Lane, Herndon, supported the Singh's request to expand their child care center. She said it provided a valuable service to the community.

Devon Harvey, 13274 Holly Meadow Lane, Herndon, also voiced her support, citing local financial impact, active government oversight, community enhancement and benefits to the children.

Robert Ledig, 13338 Horsepen Woods Lane, Herndon, said that Mr. Singh's portrayal of neighborhood support was misleading. He expressed his opposition, claiming the proposed expansion would be inconsistent with the residential character of Middleton Farms. He raised the issues of limited access and noise, suggesting that commercial uses such as proposed by the Singh's were more appropriate for the edges of a subdivision, not the interior. Mr. Ledig also disputed the need for the use, noting that there were 24 commercial day care centers within a three-mile radius of subdivision. In conclusion, Mr. Ledig noted that the Hunter Mill Land Use Committee also opposed this application. (A letter from Mr. Ledig is in the date file.)

Mr. Ledig responded to questions from Commissioners Harsel, Byers, Hall, Murphy and de la Fe regarding his position.

In response to questions from Commissioner Murphy, Ms. Swagler confirmed that Mrs. Singh could continue her present child care operation, with a limit of seven children, without a special exception.

Ramesh Reddy, 13122 Lou Alice Way, Herndon, father of a child cared for by Mrs. Singh, supported the proposed expansion. He noted that the Singh's back yard was fenced and safe.

Diane Nolting, 13237 Middleton Farm Lane, Herndon, supported the continued operation of the current situation with seven children, but opposed the increase to ten children.

Jonathan Kazem, 13356 Middleton Farm Lane, Herndon, spoke in opposition. He cited increased traffic as his main objection and claimed that the Singh's were renting their basement out as an apartment.

Jaggmet Kaur, 13258 Middleton Farm Lane, Herndon, supported the application. As the mother of a child cared for by Mrs. Singh, she expressed her satisfaction with Mrs. Singh's services.

Jeff Grossman, 13256 Middleton Farm Lane, Herndon, representing the Middleton Farms Homeowners Association, noted that emotions were running high in the neighborhood over this application. He said the Association's goal was to bring people from both sides of the issues together and try to reach a consensus or compromise. He requested that a decision on this case be deferred to allow time for that process to take place. Mr. Grossman stated the impact of additional traffic on the single subdivision entrance appeared to be a major concern of a lot of residents.

In response to questions from Commissioners Smyth and Byers, Mr. Grossman said that the subdivision streets were private streets at this time, but would become public streets when they were officially turned over to the Virginia Department of Transportation.

Commissioner Alcorn commented that he remembered when the Middleton Farms rezoning application was heard by the Commission and noted that the single entrance situation was opposed by transportation planners, but had ultimately been approved because residents of existing subdivisions feared cut-through traffic.

In response to questions from Commissioner Smyth, Mr. Grossman stated that there was no traffic signal at the current entrance to Middleton Farms.

Suryanarayana Mantri, 13121 Curved Iron Road, Herndon, father of a child cared for by Mrs. Singh, supported the application.

Sreekanth Nadriga, 12833 Williams Meadow Court, Herndon, mother of a child cared for by Mrs. Singh, also supported the application. She said that the increase in traffic caused by the proposed expansion would be minimal.

Jianhua Wang, 13311 Horsepen Woods Lane, Herndon, opposed the application. She cited traffic as her main concern.

Wuilder Aguero, 2864 Cherry Branch Lane, Herndon, noted that he had come to the United States 15 years ago from Peru and sought out this area of Fairfax County to settle in because of its tranquil character. He sympathized with the parents seeking quality child care, but opposed this application because of the strangers it would bring to the neighborhood.

Vijay Gudiseva, 2837 Thistleberry Court, Herndon, explained that his home was located directly behind the Singh's. He opposed the application because he said that two people could not adequately supervise 12 children playing outdoors and he feared for the safety of his property. He also expressed concern about this application setting a precedent.

Commissioner Murphy explained the special exception process and how development conditions were imposed. He added that every case that came before the Commission was considered on its own merits.

Manmohan Reddy, 13366 Horsepen Woods Lane, Herndon, father of a child cared for by Mrs. Singh, supported the application and commented on the quality of day care provided.

Madonna Overby, 2834 Thistleberry Court, Herndon, commented on the noise of a large number of children playing outside at the same time. She opposed the application.

Yin-Ching Chen, 13278 Holly Meadow Lane, Herndon, mother of a child cared for by Mrs. Singh, supported the application. She said that the additional traffic generated by three additional children would be negligible.

In response to questions from Commissioner Hall, Ms. Chen said she did live in Middleton Farms, but not within walking distance of the Singh's.

Troy Knowlton, 2844 Cherry Branch Lane, Herndon, objected to this request for a commercial use in a new residential neighborhood before the Homeowners Association had had a chance to fully evaluate the application.

In response to questions from Commissioner Murphy, Mr. Knowlton said he understood that it was not the Homeowners Association's role to decide what uses were and were not allowed in the subdivision.

There were no further speakers, therefore Chairman Murphy called upon Mr. Singh for a rebuttal statement.

Mr. Singh maintained that the proposed expansion would not adversely affect traffic in the neighborhood. He said that speeding problems were not caused by the parents of children in his wife's care. In response to Mr. Kazem's concern about the number of adults in his home, he explained that some friends had been staying with his family, but had left on July 2, 2003. He noted that the children would only be allowed to play in the fenced back yard where they could be safely supervised and that noise would not be problem.

In response to questions from Commissioner Murphy, Mr. Singh said his wife had been caring for seven children in their home at this location for approximately six months. He said he personally had not received any complaints from anyone in the neighborhood and only became aware that people were concerned when he was contacted by Fairfax County officials and was informed of the zoning regulations regarding home child care.

In response to questions from Commissioner Kelso, Mr. Singh said his wife actually had a license to care for 12 children and that all Health Department requirements were met. Commissioner Kelso reiterated Commissioner Murphy's earlier comment about this case not setting a precedent. He added that home day care was not a commercial enterprise.

In response to questions from Commissioner Hall, Mr. Singh repeated that the people living with his family had been visiting friends, not tenants, and had left earlier this month. He said they had been there for approximately six months.

In response to questions from Commissioner Kelso, Ms. Swagler confirmed that Condition 4 would limit the total number of children to twelve.

There were no further comments or questions from the Commission and Ms. Swagler had no closing staff remarks, therefore Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for action on this case. (A verbatim transcript is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON SE 2003-HM-004 TO JULY 30, 2003, WITH THE RECORD REMAINING OPEN.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Koch and Wilson absent from the meeting.

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The meeting was adjourned at 10:41 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Gloria L. Watkins

Approved on: July 13, 2005

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission