

SE 2015-SP-022 – EILEEN MEADE d/b/a MEADE FAMILY DAYCARE

Decision Only During Commission Matters
(Public Hearing Held on December 9, 2015)

Commissioner Murphy: I have two decisions only this evening. The first one I would like to do is the Meade Daycare Center. This was a public hearing that we had on December 9th. Ms. Meade has a daycare facility but she is taking advantage of the fact that now daycare centers in residential communities can increase their children's capacity from seven to twelve. There was an application that was filed. Ms. Meade and the homeowners association, I think they got off to a little rocky start, but I understand that they are working together now on this particular application. And during the public hearing I asked Ms. Meade if, notwithstanding the Board of –, the Planning Commission's recommendation, if in fact the Board of Supervisors denied this application, would she continue to have a daycare center for seven children which she has now and which is a legal - a legal application, and she answered yes. So this daycare center is going to be in this community for a long time. And so I asked the members of the community who came and spoke in opposition to this special exception if they would take home with them the copies of the development conditions which, if this application were approved, those development conditions would be in effect and would ameliorate some of the concerns that they had, and I asked them to take a copy of the development conditions home. We had it right here at the staff table and I asked them to please communicate with me before the decision only and tell me what you think: Would you rather have a daycare center with 7 children or would you rather have a daycare center with 12 children with development conditions which would ameliorate the perceived impact in the neighborhood. I have not heard from anyone. So I am going to go tonight and I'm going to make the decision – a recommendation to the Board of Supervisors on this special exception. I do want to say at the outset that during the public hearing Mr. Streich, I believe his name is, who was the attorney for the homeowners association, argued that the Planning Commission was obligated under *Virginia Code* Section 55-513.2 to enforce the policy that he articulated on behalf of the homeowners association and recommended the denial of the application. One of the first things we did after the public hearing is we referred his study at his request to the County Attorney who has since answered that after reviewing the *Virginia Code* cited above in detail the County Attorney concluded that the statute has no bearing on the Planning Commission's review of the special exception application for home child care. So it is legally sound. The action we are about to take is legally sound this evening. This application is in conformance with the Comprehensive Plan. It is also in conformance with the applicable zoning ordinances that affect child care facilities in residential areas, so I'm going to recommend to the Board that this application be approved. But before I do that I'd like Ms. Meade to please come down if she's here. Ms. Meade? Hopefully you are here in this crowd of Dranesville people so we can have you come down and take action on this application. Would you please state your name for the record and your address and would you agree that you have read the development conditions, you understand the development conditions, and that you will abide by the development conditions.

Eileen Meade, Applicant: My name is Eileen Meade. I live at 9697 South Run Oaks Drive, Fairfax Station, Virginia 22039. I do agree and I will abide by the development conditions.

Commissioner Murphy: Okay, thank you very much. So therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2015-SP-022, SUBJECT TO THE REVISED DEVELOPMENT CONDITIONS DATED DECEMBER 7TH, 2015.

Commissioners Hart, Lawrence, and Strandlie: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart and –

Commissioner Lawrence: Mr. Lawrence, with pleasure.

Vice Chairman de la Fe: Mr. Lawrence and Ms. Strandlie. Okay, any discussion? Hearing and seeing none all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Thank you very much.

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NOTE: Commissioner Keys-Gamarra did not abstain during this motion; however, during the motion for the following public hearing (RZ/FDP 2015-SP-007, MRD PROPERTIES, LLC), her abstention was noted by the Planning Commission Chairman.

Vice Chairman de la Fe: One question, on the previous one on the Meade case, Ms. Keys-Gamarra you abstained on that one, right; because you were not at the Commission then. Yes? Right, I just want to make that clear.

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(The motion carried by a vote of 11-0-1. Commissioner Keys-Gamarra abstained from the vote.)

TMW