

Planning Commission Meeting
October 5, 2016
Verbatim Excerpt

ZONING ORDINANCE AMENDMENT – REFERENCE CITATIONS FOR NURSERY SCHOOLS, CHILD CARE CENTERS, & VETERINARY HOSPITALS; SPECIAL PERMIT SUBMISSION REQUIREMENTS; VARIANCE STANDARDS; AND CLARIFICATION OF THE DEFINITION OF PUBLIC USE (Countywide)

Decision Only During Commission Matters
(Public Hearing held on September 22, 2016)

Commissioner Hart: Thank you, Mr. Chairman. I also have a decision only. We had a public hearing on September 22nd, on a proposed Zoning Ordinance Amendment with many different subjects and I – I think the – the issue that took the most time at the – at the public hearing was the potential expense to the applicant in a home child care case of doing both a certified plat and a certified floor plan. And I think what we've tried to do is to balance the expense to the applicant against the need for accurate and complete information. And – and one of the things that has made some of the child care cases more complicated is the absence of a certified plat with current and accurate information. Following the public hearing and – and in consultation with staff, what I'm going to suggest, which is reflected in the handout that you should have received both in hard copy and by email before tonight, is that we retain the staff recommendation about the certified plat but that we delete the references to the floor plan being certified. Although, we would keep the requirement for the information being provided. And I would couple that with a follow-on motion that we'll continue to look at that for the next couple of years and if it turns out we – we still decide we are going to need the floor plans we'll come back to that. But I – I think an incremental approach to this may be appropriate and we do want to promote child care. I don't think we can continue to do it without the certified plats and this is, I think, a reasonable resolution of the concerns expressed at the public hearing. And on the other issues, I think we're – we're already at a consensus. Therefore, Mr. Chairman, I FIRST MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING REFERENCE CITATIONS FOR NURSERY SCHOOLS, CHILD CARE CENTERS AND VETERINARY HOSPITALS; SPECIAL PERMIT SUBMISSION REQUIREMENTS; VARIANCE STANDARDS; AND DEFINITIONS OF PUBLIC USE AND SCHOOL OF GENERAL EDUCATION, SUBJECT TO THE FOLLOWING CHANGES, AS DISTRIBUTED BY STAFF TONIGHT AND DATED OCTOBER 5, 2016:

- FIRST, THAT PARAGRAPH 5, OF SECTION 8-305; PARAGRAPH 5, OF SECTION 8-907; AND PARAGRAPH 14 OF SECTION 8-918, BE AMENDED BY STRIKING THE PROPOSED LANGUAGE THAT THE DIMENSIONED FLOOR PLAN SHALL BE CERTIFIED BY AN ENGINEER, ARCHITECT, OR SIMILAR LICENSED PROFESSIONAL;
- AND SECOND, IN THOSE SAME PARAGRAPHS, DELETING THE LAST SENTENCE CONTAINING THE WAIVER PROVISIONS FOR THE CERTIFIED DIMENSIONED FLOOR PLAN, AS THIS IS NO LONGER NECESSARY GIVEN THE PROPOSED CHANGES.

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Z.O. AMENDMENT – REFERENCE CITATIONS FOR NURSERY
SCHOOLS, CHILD CARE CENTERS, & VETERINARY HOSPITALS;
SPECIAL PERMIT SUBMISSION REQUIREMENTS; VARIANCE
STANDARDS; AND CLARIFICATION OF THE DEFINITION OF PUBLIC USE

Vice Chairman de la Fe: Second. I – I’ll second it.

Commissioner Ulfelder: Mr. Chair?

Vice Chairman de la Fe: Yes?

Commissioner Ulfelder: I – I was not present for the public hearing but I have reviewed the recording of the public hearing as well as all the materials in connection with it, so I plan on voting on this tonight and support the motion. I also want to point out that it includes a provision as involving the definition of public use and schools of general education in the Ordinance. You will recall, we had a recent case involving a public school that is not a Fairfax County Public School but that is operated by one of our adjacent jurisdictions that came to us under the 2232 provisions because of the then longstanding Zoning Administrator’s interpretation that it best fit under the term of “public facility.” This – this amendment or these two changes within the – this series of amendments will clarify that. We’ve also, as was stated by staff at the public hearing and I think later confirmed by the County Attorney’s Office, this is entirely prospective and will not in any way effect the – the application and the decision that we made several weeks ago involving the Falls Church City Public School in – that’s located in Fairfax County.

Vice Chairman de la Fe: Okay, thank you. Any further discussion?

Commissioner Hart: Mr. Chair?

Vice Chairman de la Fe: Yes, Mr. Hart?

Commissioner Hart: Before we vote, I – I think I neglected to say at the end of the motion WITH THE FURTHER RECOMMENDATION THAT THE AMENDMENT TAKE EFFECT AT 12:01 A.M. ON THE DATE FOLLOWING ADOPTION BY THE BOARD OF SUPERVISORS. Mr. Hushour, is that – that’s exactly?

Andrew Hushour, Zoning Administration Division, Department of Planning and Zoning: That is correct, yeah.

Commissioner Hart: Okay, thank you.

Vice Chairman de la Fe: Okay, without having seconded I – having seconded I will accept that clarification. Any further discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

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

Commissioner Hart: Mr. Chairman?

Vice Chairman de la Fe: Yes, Mr. Hart.

Commissioner Hart: Yeah, secondly, that – I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT STAFF BE DIRECTED TO REEVALUATE THE SUBMISSION OF UNCERTIFIED DIMENSIONED FLOOR PLANS TWO YEARS FOLLOWING THE ADOPTION OF THE AMENDMENT AND REPORT BACK THEIR FINDINGS IF APPROPRIATE. The purpose of the evaluation is to determine whether the adopted special permit application submission requirements are working as intended, and special exception too in those categories, or whether further Zoning Ordinance changes are necessary.

Commissioner Ulfelder: Second.

Vice Chairman de la Fe: Seconded by Mr. Ulfelder. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioner: Aye.

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

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(The motion carried by a vote of 7-0. Commissioners Flanagan, Hedetniemi, Lawrence, Murphy and Sargeant were absent from the meeting.)

TMW