

Planning Commission Meeting
July 24, 2014
Verbatim Excerpt

SE 2013-MA-010 – DEYI AWADALLAH

Decision Only During Commission Matters
(Public Hearing held on April 24, 2014)

Commissioner Hall: Thank you, Mr. Chairman. Mr. Chairman, the application before us requests the Board's approval of a Special Exception to permit the construction of a child care center on three consolidated parcels located on Glen Carlyn Drive. I should mention this application is SE 2013-MA-010. As you will recall from the earlier public hearing, the application property is 2.25 acres and is zoned to the R-3 District. The majority of the site is located within a Resource Protection Area and a 100-year flood plain. The resulting buildable area of the site is long, narrow, and a rectangle, and only about 30 percent of the site can be developed. Our decision on this application is governed, of course, by the Zoning Ordinance and, in particular, by the standards that are set forth in Zoning Ordinance 9-006. After carefully considering this application, I believe we should recommend denial of this application because the proposed child care center does not substantially conform to the guidance provided in the Comprehensive Plan and it also fails to satisfy several of the Zoning Ordinance standards. Pursuant to one such standard, all Special Exceptions must be in harmony with the Comprehensive Plan. The Comprehensive Plan text for this area states that the Glen Forest sector is largely developed as stable residential neighborhoods, which is exactly the type of development surrounding the application property. Further, the Plan text provides that infill development should follow the guidance provided in Land Use Objectives 8 and 14 of the Policy Plan. Land Use Objective 8 provides for protection of existing neighborhoods by requiring that infill development in these neighborhoods be of a compatible type, use, and intensity and not cause adverse impacts on existing transportation systems. Objective – objective 8 also discourages commercial development unless the intensity and the scale is compatible with surrounding residential uses. This application proposes a non-profit – a for-profit commercial daycare facility to be located on a site that is directly contiguous to parcels developed with single-family dwellings on three sides. The proposed design of the child care center further magnifies the problem. Due to the environmental constraints created by the RPA and the 100-year flood plain, the applicant has proposed to crowd the building, parking lot, drive aisles, and play area onto only one-third of the site, effectively increasing the intensity of the use and reducing the available buffer area across a majority of the northern property line to only 16 feet. The scale of the proposed building also is not compatible with the existing neighborhood. The average size of neighboring single-family dwellings is approximately 2,000 square feet. The applicant has proposed to – proposed to construct a 10,450 square-foot building. Even though this size marks a reduction of 1,000 square feet from the original proposal, the building would still be five times larger than neighboring homes and is much larger than required for 50 children. The building is also proposed to be 126 feet in length. Thus, the fundamental problem with this application still exists – it attempts to mass too intense a structure and too intense a proposed use on this significantly constrained site. For these reasons, I find that this application fails to satisfy the Zoning Ordinance's general standard requiring that all Special Exception applications be in harmony with the Comprehensive Plan. The Zoning Ordinance further requires the proposed use to be such that pedestrian and

vehicle – vehicular traffic will not be hazardous or conflict with the existing or anticipated traffic in the neighborhood. Likewise, the Locational Guidelines for Child Care Facilities state that such facilities must, “[A]void creating undesirable traffic, noise, and other impacts upon the surrounding community,” and they should be located and designed to, “ensure safe and convenient access,” and, “safe and effective on-site circulation of automobiles and pedestrians.” And we heard at length during the public hearing that this application proposes a traffic circulation pattern that fails to ensure safe and convenient access on-site and creates undesirable traffic impacts for the community. The applicant has proposed to construct a left-turn lane on Glen Carlyn Drive for traffic turning into the site. The turn lane would be located directly across from the driveway out of the site. Other Commissioners have expressed concerns that the cars stacking in the left-turn lane would block cars from leaving the site, causing back-ups on-site and creating potential for accidents. The reality is that drivers attempting to leave the site will either be on their way to work and likely in a rush or impatient to get home after a long day at work. This time pressure and impatience may cause drivers to attempt illegal maneuvers, creating a safety hazard for the drivers and the community. Other drivers impatient to turn left may also make a right out of the site, drive down Glen Carlyn Drive, and attempt a U-turn on Hardwick Place or elsewhere in the neighborhood. This traffic pattern would create additional adverse impacts on the surrounding community. The applicant revised his plan to reduce the number of children the center is designed to serve from 99 down to 50, which naturally will also reduce the number of trips to and from the application property. The reduction in trips alone, however, did not eliminate the conflict between the left-turn lane and the site exit. Unfortunately, the applicant failed to address this concern in any meaningful way and I continue to have grave concerns about the extent to which this proposal will create a hazardous condition and conflict with existing traffic in the neighborhood. Of all these concerns – are intensified by the anticipated traffic generation of the proposed daycare center. Glen Carlyn Drive is already a heavy-use connector road between Route 50 and Route 7. We heard testimony that it averages 11,000 trips per day. The volume of anticipated traffic to and from the site is also likely to coincide with rush hour traffic on Glen Carlyn Road because the center proposes to open at 7:00 and to close at 6:00, times that neighboring residents may also be leaving for or coming home from work. Child care facilities are also directed by the Locational Guidelines to ensure the safety of children. Members of the public and fellow Commissioners expressed concern at the public hearing that the applicant did not provide a walkway on-site, forcing parents to push strollers or walk with children in the same drive aisles as cars pulling into the site, backing out of parking spaces, and queuing up to turn left out of the site. Due to site constraints, the applicant still has not provided a walkway. Based on these transportation and safety concerns that I have outlined and that are evident from a review of the applicant’s plan, I find that this proposal would have substantial adverse traffic impacts and therefore cannot be approved under the Zoning Ordinance criteria. Moreover, General Standard 3 in Zoning Ordinance 9-006 requires that the proposed Special Exception to be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. It also requires that the nature and extent of screening, buffering, and landscaping be such that the use will not hinder or discover – not discover – discourage the development and use of adjacent or nearby land or buildings. This application requests a few modifications, most notably a modification of the transitional screening requirement along the

northern property boundary. In reality, the application must request this modification because there is no room for a 25-foot buffer – the full length of the northern property line once the environmental limitations are factored into the layout. Further, although the applicant has indicated a willingness to provide off-site plantings on the adjacent properties to the north to enhance screening, this offer merely highlights the limitations of the application property – that is, the buildable area is so narrow that the applicant would have to go onto neighboring properties to provide adequate transitional screening. In light of the applicant's requested modification and the concerns expressed by the public hearing – at the public hearing by property owners to the north, as well as the traffic and safety impacts to the community, I find that the application does not satisfy this standard. Despite some effort on the part of the applicant to modify the building design and reduce the number of students, our concerns about traffic and safety remain unresolved, and a modification of transitional screening is still requested. The bottom line is that the applicant is proposing to locate a commercial use of incompatible scale and intensity on a very constrained site in a stable residential neighborhood. I believe that the application's failure to comply with numerous and mandatory standards for approval conclusively establishes that we should recommend denial. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DENY SE 2013-MA-010.

Commissioners Hart and Lawrence: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion –

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Lawrence: I just would like to say for the record that the problem is – we may encounter this problem again where we have people required to make turns from busy streets into and from sites. If there were no other concern with this, it would still raise the probability – the mathematical probability – of accidents due to conflicts in such a situation. I support Commissioner Hall's motion for that and the other reasons that she cited. Thank you, Mr. Chairman.

Commissioner Migliaccio: Mr. Chairman?

Chairman Murphy: Further discussion? Mr. Migliaccio.

Commissioner Migliaccio: Just for clarification, I was not here for the public hearing. But I did watch it on video tape and I will be voting on this this evening.

Chairman Murphy: Okay. Mr. Hart.

Commissioner Hart: Yes, thank you, Mr. Chairman. I'm going to support the motion also. And I just – I wanted to emphasize with respect to General Standard 4 under the general standards for a Special Exception, which I – and I think all of these are mandatory – “The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.” On a site as narrow as this where, in order to squeeze in everything that they could, they eliminated the sidewalk, we place the pedestrians and the parents in the drive aisle walking – the cars and the parents loading and unloading and walking and rushing to their next appointment. That doesn't work. The turning movements on a site where the left-turn lane is blocking the cars coming in and out also are never going to work. This is a good use. This is not the kind of site it can work on, however.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it deny SE 2013-MA-010, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Sargeant: Abstain, not present for the public hearing.

Chairman Murphy: Okay, Mr. Sargeant abstains – not present for the public hearing.

Commissioner Hall: Number one, I'm glad my voice lasted long enough to get through that. Secondly, I'd like to thank members of the community who came out to hear the decision. I did recommend they stay home, but they don't listen. But anyway, thank you for coming out and for all your help through this application.

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(The motion carried by a vote of 11-0-1. Commissioner Sargeant abstained.)

JLC