

SE 2014-PR-067 KONSTANTIN E. PANOV

Decision Only During Commission Matters
(Public Hearing held on April 16, 2015)

Commissioner Hart: I have a decision on the Panov case. The Planning Commission has received two letters of support which I would ask be placed in the record. We also received this evening a statement to the Planning Commission dated September 17th with some attachments and I would ask that also be included in the record. I-I thank the applicant for providing additional information to staff and I thank the speakers that testified at the public hearing. I also want to thank Suzanne Wright for her fine assistance on this case, as well as Mike Wing in Supervisor's Smyth's office. As the Commission will recall, this was a special exception application for a child care center in an existing residence on Blake Lane, originally requesting 25 children, reduced to 20 following the public hearing, and reduced again to 15 children. Staff recommended denial, both in the original staff report and two subsequent addenda evaluating the provisions, and I would adopt the staff's rationale. While I believe that the proposed use is worthwhile, I cannot support this application on this site. I personally visited the property and agreed with staff that this particular lot has a number of characteristics and constraints that make it unsuitable for a use of this intensity. I do not believe the required standards for a special exception have been met in several respects. The site is fairly small to begin with - less than one-half acre. It also is triangular in shape, making provision of the required landscaping buffers very challenging. It is on a very busy street with a fairly short and shallow circular driveway, which presents conflicts for traffic potentially queuing out into the travel lanes of Blake Lane. The onsite configuration also places the pickup and drop-off for the children along the same travel aisle as the cars entering and exiting the site, creating additional potential conflicts. Parking space length is proposed at 16.6 feet, which is the absolute rock bottom in the PFM, and is shorter than many vehicles. While the site constraints obviously affect the area available for parking, this is less than ideal for functional use. The applicant, following the public hearing, at one point suggested a possible off-site parking arrangement at a nearby church, but even if a shared parking arrangement could have been approved, I believe the distance was too great to be functionally workable, especially in inclement weather. Staff was not supportive of off-site parking and the applicant abandoned that alternative. Topographic difficulties in the rear of the site and the location of the existing building further complicate any reconfiguration of the parking and drop-off. Greater extension of the parking area also would tend to conflict with the residential character of the neighborhood and still would need to be buffered from adjacent residences. Adequate stormwater management measures also would need to be accommodated somewhere on this constrained site. In that regard, although the most recent special exception plat depicts a proposed bioretention ditch, it still has not been clearly demonstrated, as pointed out by staff in the second addendum, that the ditch would meet applicable water quality standards and all other stormwater requirements. Moreover, the placement and, potentially, the

extent of these facilities would change and become even more difficult if additional pavement was added to the design to address the circulation issues. On a special exception we must make a finding that all the required standards have been met. I agree with staff's conclusions, as set forth in the staff report and addenda, that under Section 9-006, General Standards 1, 2, 3, 4 and 7 have not been met. The proposed use is too intense for this relatively small, triangular lot, particularly with its topography, the difficult access point from Blake Lane, and the inability to safely configure the traffic pattern in light of the dwellings placement on the lot. Again, off-site parking is not feasible and it has not been demonstrated to staff's satisfaction that there is room for stormwater management on this small lot if other Ordinance requirements are met. Although we need quality childcare in the community, and this unique program appears to provide a valuable option to local parents, we must find that all the applicable standards have been met on every application. There may be something less intense which is appropriate here or some other better location for this use, but on this particular site the application falls short. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT SE 2014-PR-067 BE DENIED.

Chairman Murphy: Is there a second to the motion?

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it deny SE 2014-PR-067 say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Sargeant: Mr. Chairman, I abstain, not present.

Chairman Murphy: Motion carries, Mr. Sargeant abstains.

Commissioner Strandlie: Mr. Chairman, I wasn't present for the hearing I would like to abstain too.

Chairman Murphy: All right, Ms. Strandlie abstains also.

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(The motion carried by a vote of 8-0-2. Commissioners Sargeant and Strandlie abstained from the vote. Commissioners Flanagan and Lawrence were absent from the meeting.)

TMW