

Planning Commission Meeting
October 20, 2011
Verbatim Excerpt

SE 2011-MV-006 – HAMDI ESLAQUIT, d/b/a HAMDI'S CHILD CARE & SELIM M. ESLAQUIT

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. I have a – I'm familiar with this case for quite some time now and I haven't heard any testimony this evening that has added anything to what I knew about the case previously. And it is a case where – although I must say that I'm beginning to become concerned about the number of day care on any given cul-de-sac. And so I did ask the staff whether there was any prohibition against every lot on this cul-de-sac from having a day care center and they said that there's none, so I guess that's one of the things which the Planning Commission may want to take a look at in the future. My understanding from talking with staff is that there has been a great deal of interest – renewed interest in day care given the downturn in the economy and that they're getting quite a few applications for day care. So I think we can – we should anticipate, you know, that this is likely to be a burgeoning caseload on our part. But given all of the facts that I have before me at the present time and the testimony that I've heard this evening, I see nothing in the application, you know, that is contrary to the requirements of Fairfax County. They may be contrary to the covenants of the association, but they're not contrary to the requirements of Fairfax County. So on that basis, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2011-MV-006, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED OCTOBER 20, 2011.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? Ms. Hall.

Commissioner Hall: Yes, Mr. Chairman, I'm opposed – I can't support this application and I'll tell you why. I remember what it's like to have – need day care and I think it's absolutely critical. And I think it is a wonderful thing for parents who elect to stay home and to take on children so that they can afford to stay home and watch them, but there is no prohibition on the number of houses on a street that can do this. And there seems to be a trend in this neighborhood. I mean this tiny little area already has three of them and I just would wonder if they – you know, if every single house and came in with the day care, it would be overwhelming. I think therefore we shouldn't be approving this request for additional children for this house. I think the seven is fair. It's reasonable. Everybody seems to abide by it. I would disagree with the speakers who said she felt like she was being targeted. I don't think anybody targets anybody with this staff report. They just state the facts. But I can't support this application for the additional people – for the additional children. I think seven is what's allowed and that is what should be permitted and I don't think we should approve the additional children.

Chairman Murphy: Further discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: Thank you. As on many of these it's a difficult decision, but in general I think we're better off with development conditions on the package to have ten children, to limit the hours of operation, to require the staggering of the pick-up and drop-off, things like that, and seven children by-right where there's no conditions at all. At least with ten we're constraining the use and constraining the impacts on the neighborhood and things like pick-up and drop-off are what would affect the congestion in the court. So I will be supporting the motion. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2011-MV-006, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Harsel: Abstain.

Chairman Murphy: Motion carries. Ms. Hall votes no. Ms. Harsel abstains.

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Flanagan: I just - - as a follow-up on that, I would like the Planning Commission to in the future undertake review of this burgeoning daycare and the concerns expressed by Commissioner Hall. I think she makes some very good points on here; I just feel that it's difficult to, you know, face up to the fact that we're having our different - - the State-run setting of the criteria for these - - the approval of these.

Chairman Murphy: Thank you very much.

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(The motion carried by a vote of 8-1-1 with Commissioner Hall opposed; Commissioner Harsel abstaining; Commissioners Donahue and Sargeant absent from the meeting.)

JLC