



County of Fairfax, Virginia

September 25, 2015

2015 Planning Commission

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
At-Large

John Ulfelder
Dranesville District

Earl L. Flanagan
Mount Vernon District

Janyce N. Hedetniemi
At-Large

Ellen J. "Nell" Hurley
Braddock District

John L. Litzenberger
Sully District

Kenneth A. Lawrence
Providence District

James Migliaccio
Lee District

Julie Strandlie
Mason District

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Konstantin E. Panov
9653 Blake Lane
Fairfax, Virginia 22031

Re: **SE 2014-PR-067 – KONSTANTIN E. PANOV**
Providence District

Dear Mr. Panov:

At its September 17, 2015 meeting, the Planning Commission voted 8-0-2 (Commissioners Sargeant and Strandlie abstained from the vote; Commissioners Flanagan and Lawrence were absent from the meeting.) to **RECOMMEND DENIAL** of the above referenced application to the Board of Supervisors. A copy of the verbatim transcript is attached.

Sincerely,

John W. Cooper, Clerk to the
Fairfax County Planning Commission

Attachments (a/s)

cc: Linda Q. Smyth, Supervisor, Providence District
Kenneth Lawrence, Planning Commissioner, Providence District
James R. Hart, Planning Commissioner, At-Large
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Suzanne Wright, Staff Coordinator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ)
Robert Harrison, ZED, DPZ
September 17, 2015 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.



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 queueing 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



County of Fairfax, Virginia

June 26, 2015

RECEIVED
Department of Planning & Zoning

JUN 29 2015

Zoning Evaluation Division

**2015 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
At-Large

Konstantin E. Panov
9653 Blake Lane
Fairfax, Virginia 22031

Re: **SE 2014-PR-067 – KONSTANTIN E. PANOV**
Providence District

Dear Mr. Panov:

At its June 25, 2015 meeting, the Planning Commission voted 9-0 (Commissioners Flanagan, Lawrence, and Sargeant were absent from the meeting) to **DEFER THE DECISION ONLY** on the above referenced application to a date certain of September 17, 2015. A copy of the verbatim transcript is attached.

John Uffelder
Dranesville District

Earl L. Flanagan
Mount Vernon District

Janyce N. Hedetniemi
At-Large

Ellen J. "Nell" Hurley
Braddock District

John L. Litzenberger
Sully District

Kenneth A. Lawrence
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James Migliaccio
Lee District

Julie Strandlie
Mason District

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Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Sincerely,

John W. Cooper, Clerk to the
Fairfax County Planning Commission

Attachments (a/s)

cc: Linda Q. Smyth, Supervisor, Providence District
Kenneth Lawrence, Planning Commissioner, Providence District
James R. Hart, Planning Commissioner, At-Large
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Suzanne Wright, Staff Coordinator, ZED, DPZ
✓ Robert Harrison, ZED, DPZ
June 25, 2015 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.



Planning Commission Meeting
June 25, 2015
Verbatim Excerpt

SE 2014-PR-067- KONSTANTIN E. PANOV (Providence)

During Commission Matters

Commissioner Hart: Okay. Well, let's do the first one. One the Panov case, the applicant is going to be submitting some additional changes and so we are going to defer it again. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2014-PR-067 TO A DATE CERTAIN OF SEPTEMBER 17, 2015.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion? All those in favor of the motion to continue the decision only deferral on SE 2014-PR-067 to a date certain of September 17.

Commissioner Hart: Seventeenth.

Chairman Murphy: With the record remaining open for comments say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 9-0. Commissioners Flanagan, Lawrence, and Sargeant were absent from the meeting.)

TMW



County of Fairfax, Virginia

2015 Planning Commission

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
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Mason District

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

May 21, 2015

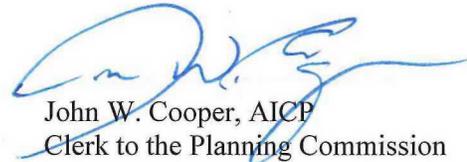
Konstantin Panov
9653 Blake Lane
Fairfax, VA 22031

**Re: SE 2014-PR-067 – KONSTANTIN E. PANOV
Providence District**

Dear Mr. Panov:

At its May 20, 2015 meeting, the Planning Commission voted 10-0 (Commissioners Lawrence and Sargeant were absent from the meeting) to **DEFER THE DECISION ONLY** of the above-referenced application to a date certain of June 25, 2015. A copy of the verbatim transcript is attached.

Sincerely,



John W. Cooper, AICP
Clerk to the Planning Commission

cc: Linda Smyth, Supervisor, Providence District
Ken Lawrence, Planning Commissioner, Providence District
James Hart, Planning Commissioner, At-Large
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Suzanne Wright, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
May 20, 2015 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.



Planning Commission Meeting
May 20, 2015
Verbatim Excerpt

SE 2014-PR-067 – KONSTANTIN E. PANOV

During Commission Matters

Commissioner Hart: I also, Mr. Chairman, have – I have two decision onlys. First, on the Panov case – Mr. Chairman, on Special Exception 2014-PR-067, Konstantine E. Panov, I MOVE THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY TO A DATE CERTAIN OF JUNE 25, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion? All those in favor of the motion to continue the deferral of decision on SE 2014-PR-067 to a date certain of June 25th, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 10-0. Commissioners Lawrence and Sargeant were absent from the meeting.)

JLC



County of Fairfax, Virginia

April 17, 2015

**2015 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
At-Large

John Ulfelder
Dranesville District

Earl L. Flanagan
Mount Vernon District

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James Migliaccio
Lee District

Julie Strandlie
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Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Konstantin Panov
9653 Blake Lane
Fairfax, VA 22031

Re: SE 2014-PR-067 – KONSTANTIN E. PANOV
Providence District

Dear Mr. Panov:

At its April 16, 2015 meeting, the Planning Commission voted 8-0 (Commissioners Lawrence, Litzenberger, Sargeant, and Strandlie were absent from the meeting) to **DEFER THE DECISION ONLY** on the above-referenced application to a date certain of May 20, 2015. A copy of the verbatim transcript is attached.

Sincerely,

Jill G. Cooper, AICP
Executive Director

cc: Linda Smyth, Supervisor, Providence District
Ken Lawrence, Planning Commissioner, Providence District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Suzanne Wright, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
April 16, 2015 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.



Planning Commission Meeting
April 16, 2015
Verbatim Excerpt

SE 2014-PR-067 – KONSTANTIN E. PANOV

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed – Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. Commissioner Murphy had pointed out, I think, that the – we're not in the business, necessarily, of criticizing the school. In fact, I think that – from what I've read, the school seems to be a fine and valuable program. We have a great diversity in Fairfax County of schools and languages. I think we – I've read we have over 40 different languages in the public schools and we are one of the most diverse counties in the country in terms of the number of languages and the number of students and – things we have going in the County. We have applications for – Special Permits for home daycares every week and I'm continually amazed at the variety of languages and programs that come before us on those. I think, so far, we're only about halfway through several hundred of these. Probably a majority of the ones that we have are non-English speaking applicants and some of them – we've even had languages where – I don't even know what language it was. We had to get interpreters from Richmond, some of whom had flat tires and couldn't help us. But it – we have a wide variety of uses like that, which I think we try and accommodate. We want to have options like that for parents. We want to provide those services to the community. Having said that, not every site is going to work for every single application. What I'd like to do and – Mr. Panov has requested a deferral. We had something new tonight, which I hadn't anticipated. And what I would like to do is have a brief deferral to at least look at a couple things with staff – the parking, the configuration with the five parking spaces to the side, and at the same time a rough calculation of the area and what that does because I think that may tip us over the 2,500 into a stormwater facility. And then where do we go with that? And I don't know that that's going to work either, but let's – let's at least evaluate that. And the same thing, again, with – in coordination with the transportation people – if the parking isn't – the parallel, but it's the perpendicular parking – whether it's five spaces or more than that – what does that do to this configuration on the loop and – it still may not work. But let's look at those two things. Ms. Zhu brought up a couple things. The condition of the fence – and I agree things are a little dilapidated on the site and maybe that's something to look at – and also, the landscaping. And I think this was the first time that I can recall, in however many public hearings, of someone wanting shorter trees than what was proposed – always, always people want massive buffers. But let's – let's look at that. So the fence, landscaping, the parking, the stormwater – I mean, we sort of had some of those things to begin with, but – if we can do a short deferral to that. I had the date of the 22nd, but I don't think that – given that – it may be too quick of a turnaround. So where does that leave me?

Catherine Lewis, Zoning Evaluation Division, Department of Planning and Zoning: We – staff might suggest a month to give the applicant some time to submit things and look at it. And one other item I thought staff would need to look at is – Ms. Hurley's point about the ratio of staff to

children so that we can really gauge how much staff and how the parking might increase in stuff – yes.

Commissioner Hart: I didn't mention that. But it changes the number of-

Ms. Lewis: Yes.

Commissioner Hart: -parking spaces.

Ms. Lewis: Correct.

Commissioner Hart: And I want us to look at-

Ms. Lewis: Yes.

Commissioner Hart: -if it's five or it has to be more. I'm – I did say that. And I'd assume-

Ms. Lewis: No – no. Yes.

Commissioner Hart: -that's within the scope of that.

Ms. Lewis: Yes.

Commissioner Hart: How – if we are going out about a month, what does that –

Commissioner Flanagan: There's no Board date.

Kimberly Bassarab, Deputy Director, Planning Commission: We could do the 13th. We can do May 20th, May 21st.

Suzanne Wright, Zoning Evaluation Division, Department of Planning and Zoning: May 20th, probably, would be fine with me.

Commissioner Hart: All right. Mr. Chairman, I move that the Planning Commission defer the decision only for SE 2014-PR – oh wait, let me just ask – Mr. Panov, May 20th – is that an acceptable date for you all?

Konstantin Panov, Applicant/Title Owner: I guess I will have no choice but to try to keep that date.

Commissioner Hart: Yes, well I meant in terms of – you know, you have a trip or something – the evening of May 20th would –

Mr. Panov: No.

Commissioner Hart: Okay. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2014-PR-067 TO A DATE CERTAIN OF MAY 20, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioners Migliaccio and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to defer decision only to SE 2014-PR-067 to a date certain of May 20th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

JLC