



# County of Fairfax, Virginia

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Zoning Evaluation Division

January 29, 2016

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Clerk to the Commission

Eileen Meade, Applicant  
d/b/a Meade Family Daycare  
9697 South Run Oaks Drive  
Fairfax Station, VA 22039

**Re: SE 2015-SP-022 – EILEEN MEADE d/b/a MEADE FAMILY DAYCARE  
Springfield District**

Dear Ms. Meade:

At its January 21, 2016 meeting, the Planning Commission voted 11-0-1 (Commissioner Keys-Gamarra abstained from the vote.) to **RECOMMEND APPROVAL** on the above referenced application, subject to development conditions dated December 7, 2015, as attached. A copy of the verbatim transcript is attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to final decision by the Board of Supervisors.

This action does not constitute exemption from the various requirements of this county and state. The applicant is responsible for ascertaining if permits are required and obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,

John W. Cooper, Clerk  
Fairfax County Planning Commission

Attachments (a/s)

cc: Pat Herrity, Supervisor, Springfield District  
Peter F. Murphy, Planning Commissioner, Springfield District  
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office  
Laura Arseneau, Staff Coordinator, ZED, DPZ  
✓ Robert Harrison, ZED, DPZ  
January 21, 2016 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 2015-SP-022 – EILEEN MEADE d/b/a MEADE FAMILY DAYCARE

Decision Only During Commission Matters  
(Public Hearing Held on December 9, 2015)

Commissioner Murphy: I have two decisions only this evening. The first one I would like to do is the Meade Daycare Center. This was a public hearing that we had on December 9<sup>th</sup>. Ms. Meade has a daycare facility but she is taking advantage of the fact that now daycare centers in residential communities can increase their children's capacity from seven to twelve. There was an application that was filed. Ms. Meade and the homeowners association, I think they got off to a little rocky start, but I understand that they are working together now on this particular application. And during the public hearing I asked Ms. Meade if, notwithstanding the Board of —, the Planning Commission's recommendation, if in fact the Board of Supervisors denied this application, would she continue to have a daycare center for seven children which she has now and which is a legal - a legal application, and she answered yes. So this daycare center is going to be in this community for a long time. And so I asked the members of the community who came and spoke in opposition to this special exception if they would take home with them the copies of the development conditions which, if this application were approved, those development conditions would be in effect and would ameliorate some of the concerns that they had, and I asked them to take a copy of the development conditions home. We had it right here at the staff table and I asked to please communicate with me before the decision only and tell me what you think: Would you rather have a daycare center with 7 children or would you rather have a daycare center with 12 children with development conditions which would ameliorate the perceived impact of the neighborhood. I have not heard from anyone. So I am going to go tonight and I'm going to make the decision — a recommendation to the Board of Supervisors on this special exception. I do want to say at the outset that during the public hearing Mr. Streich, I believe his name is, who was the attorney for the homeowners association, argued that the Planning Commission was obligated under *Virginia Code* Section 55-513.2 to enforce the policy that he articulated on behalf of the homeowners association and recommended the denial of the application. One of the first things we did after the public hearing is we referred his study at his request to the County Attorney who has since answered that after reviewing the *Virginia Code* cited above in detail the County Attorney concluded that the statute has no bearing on the Planning Commission's review of the special exception application for home child care. So it is legally sound. The action we are about to take is legally sound this evening. This application is in conformance with the Comprehensive Plan. It is also in conformance with the applicable zoning ordinances that affect child care facilities in residential areas, so I'm going to recommend to the Board that this application be approved. But before I do that I'd like Ms. Meade to please come down if she's here. Ms. Meade? Hopefully you are here in this crowd of Dranesville people so we can have you come down and take action on this application. Would you please state your name for the record and your address and would you agree that you have read the development conditions, you understand the development conditions, and that you will abide by the development conditions.

Eileen Meade, Applicant: My name is Eileen Meade. I live at 9697 South Run Oaks Drive, Fairfax Station, Virginia 22039. I do agree and I will abide by the development conditions.

Commissioner Murphy: Okay, thank you very much. So therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2015-SP-022, SUBJECT TO THE REVISED DEVELOPMENT CONDITIONS DATED DECEMBER 7<sup>TH</sup>, 2015.

Commissioners Hart, Lawrence, and Strandlie: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart and –

Commissioner Lawrence: Mr. Lawrence, with pleasure.

Vice Chairman de la Fe: Mr. Lawrence and Ms. Strandlie. Okay, any discussion? Hearing and seeing none all those in favor please signify by saying aye.

Commissioners: Aye.

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

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*NOTE: Commissioner Keys-Gamarra did not abstain during this motion; however, during the motion for the following public hearing (RZ/FDP 2015-SP-007, MRD PROPERTIES, LLC), her abstention was noted by the Planning Commission Chairman.*

Vice Chairman de la Fe: One question, on the previous one on the Meade case, Ms. Keys-Gamarra you abstained on that one, right; because you were not at the Commission then. Yes? Right, I just want to make that clear.

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(The motion carried by a vote of 11-0-1. Commissioner Keys-Gamarra abstained from the vote.)

TMW

## **DEVELOPMENT CONDITIONS**

### **SE 2015-SP 022**

**December 7, 2015**

If it is the intent of the Board of Supervisors to approve SE 2015-SP-022 located at 9697 South Run Oaks Drive, Tax Map 97-1 ((6)) 166, for a home child care facility with up to twelve children at any one time, pursuant to Sect. 6-105, 6-106, and 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board of Supervisors condition its approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for the home child care use as indicated on the Special Exception Plat, consisting of an annotated House Location Survey entitled "House Location Survey, Lot 166, Section 2-A, South Run Oaks," was prepared by L.S. Whitson, L.S., and certified on October 16, 2014, and revised on April 11, 2015 by Barbara Giery, and as qualified by these conditions.
2. A copy of the special exception conditions shall be posted in a conspicuous place on the property of the use and made available upon request to all departments of the County of Fairfax during the hours of operation for the permitted use.
3. The hours of operation for the home child care facility shall be between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.
4. The dwelling that contains the home child care facility shall be the primary residence of the provider.
5. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.
6. A maximum of two non-resident employees, whether paid or not for the services, may be involved in the home child care facility and limited to the hours of 7:00 a.m. to 6:00 p.m.
7. All drop-off and pick-up of children shall take place on the driveway.
8. The existing two-car garage shall not be converted to any use that would preclude the parking of vehicles and shall accommodate parking for the dwelling.
9. Any portions of the dwelling associated with the home child care facility that are used as a children's sleeping or rest area shall be located in a room with an operable exterior window, door or similar device that provides for a means of escape and access for rescue in the event of an emergency. Such emergency

escape and rescue openings shall be of the dimension and size specified by the Virginia Uniform Statewide Building Code.

10. There shall be no signage associated with the home child care facility.
11. All outdoor play equipment shall conform to all applicable County and State regulations and standards within one year of approval.
12. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number and ages of children being cared for at the home child care facility.
13. The accessory storage structure shall remain locked during the hours of operation of the home child care facility.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until they are adopted by the Board of Supervisors.

This approval, contingent on the above noted conditions, shall not relieve the application from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect. 9-105 of the Zoning Ordinance, the special exception shall take effect upon approval by the Board of Supervisors.