MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JUNE 24, 2010

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:17 p.m. by Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

On behalf of the Planning Commission and its staff, Chairman Murphy expressed condolences to St. Clair Williams, Planner III, Zoning Evaluation Division, Department of Planning and Zoning, whose sister passed away last night in New York City.

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Commissioner Hart noted that the Planning Commission's Environment Committee had met earlier this evening to discuss green buildings. He announced that the Committee would meet again on Thursday, July 22, 2010, at 7:00, p.m., in the Board Conference Room of the Government Center, to continue this discussion.

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Chairman Murphy announced that the Planning Commission would meet only once next week on Wednesday, June 30. He added that at this meeting, the Commission would hold a markup on the 2009-2010 South County Area Plans Review nominations that had been heard on Wednesday, June 16, 2010.

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON 2232-P09-35, AT&T AND T-MOBILE NORTHEAST LLC, TO A DATE CERTAIN OF OCTOBER 21, 2010.

Commissioner Lusk seconded the motion which carried unanimously with Commissioner Hall not present for the vote.

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FSA-H09-112-1 – CLEARWIRE, 8661 Leesburg Pike

Chairman Murphy MOVED THE CONSENT AGENDA ITEM.

Without objection, the motion carried unanimously with Commissioner Hall not present for the vote.

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FSA-D01-58-1 – T-MOBILE NORTHEAST LLC, 7305 M Idylwood Road

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN THE STAFF REPORT DATED MAY 13, 2010, CONCERNING FSA-D01-58-1, T-MOBILE NORTHEAST AT 7305 M IDYLWOOD ROAD, AND THAT THIS APPLICATION IS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Lawrence seconded the motion which carried by a vote of 10-0-1 with Commissioner Sargeant abstaining; Commissioner Hall not present for the vote.

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FS-D09-39 – CRICKET, 1927 Pimmit Drive (Pimmit Run Stream Valley Park)

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN THE STAFF REPORT DATED MAY 13, 2010, CONCERNING FS-D09-39, CRICKET COMMUNICATIONS AT 1927 PIMMIT DRIVE, AND THAT THIS APPLICATION IS IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioner Hall not present for the vote.

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FSA-D09-116-1 – CLEARWIRE, VDOT right-of-way at I-495 and Georgetown Pike

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN THE STAFF REPORT DATED JUNE 16, 2010, CONCERNING FSA-D09-116-1, CLEARWIRE AT I-495 AND GEORGETOWN PIKE, AND THAT THIS APPLICATION IS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Lawrence seconded the motion which carried unanimously.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. 2232-Y10-9 – T-MOBILE NORTHEAST LLC AND MILESTONE COMMUNICATIONS (Rachel Carson Middle School)
2. PRC 86-C-121-03 – RESTON EXCELSIOR LLC (Hunter Mill District)
3. SEA 98-P-030 – APPLETREE OF FAIRFAX, INC.

This order was accepted without objection.

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> 2232-Y10-9 – T-MOBILE NORTHEAST LLC AND MILESTONE COMMUNICATIONS – Appl. to construct a telecommunications facility at Rachel Carson Middle School, 13618 McLearen Road, Herndon, VA, 20171. The proposed facility will include a 125-ft. tall monopole and equipment within a fenced compound. Tax Map 24-4 ((1)) 11A. Area III. SULLY DISTRICT. PUBLIC HEARING.

David Marshall, Assistant Director, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended that the Planning Commission find the proposal substantially in accord with the provisions of the adopted Comprehensive Plan.

Len Forkas, President of Milestone Communications, responded to questions from Commissioner Harsel regarding the equipment cabinets, compound area, and addition of other telecommunications carriers.

Frank Stearns, Esquire, with Donohue & Stearns, PLC, explained that the proposed telecommunications facility would be located on the Rachel Carson Middle School site, which was public property and, therefore, considered as the preferred location since there were no other existing telecommunications structures in the area, in accordance with the Comprehensive Plan. He said the monopole would blend with the other existing athletic light poles on the property and provide improved wireless coverage in the area. Mr. Stearns noted that Milestone Communications had addressed a concern raised by the adjacent townhouse community by agreeing to supplement the screening along the northern boundary of the property with 12-foot tall Arborvitae evergreen plants and to maintain them for up to six months. He indicated that the Sully District Land Use Committee had voted not to oppose the proposal; however, the Western Fairfax County Citizens Association had not reviewed the proposal because of its distance from the site. Mr. Stearns said the applicant had conducted a balloon test to demonstrate the visual impact of the proposed monopole on the surrounding properties and the applicant had addressed the concerns expressed at the public meeting on May 20, 2010.

In response to questions from Commissioner Litzenberger, Mr. Stearns noted that a roof structure would be installed over the compound area to prevent balls from entering and would be designed similarly to the adjacent batting cage. He explained that notices had been mailed to owners of the surrounding residential and commercial office communities inviting them to attend the balloon test and no complaints had been received. He said the school's Parent Teacher Association (PTA) and administration supported the proposal.

Responding to a question from Commissioner Flanagan, Mr. Stearns explained how the visual presence and prominence of the facility would be mitigated.

In reply to more questions from Commissioner Flanagan, Mr. Marshall indicated that the Policy Plan stated that when multiple sites had equal opportunity to minimize visual impact, public lands should be considered as the preferred location for new telecommunications structures. He then explained the applicant's justification for selecting the subject site.

Commissioner Hart suggested that before the applicant committed to planting only Arborvitae to consult with the County's Urban Forester to determine whether this species was appropriate or if other plants that were more suitable to winter conditions should be provided.

Answering a question from Commissioner Hall, Mr. Marshall explained why public lands were the preferred location for new telecommunications structures.

Replying to questions from Commissioner Sargeant, Mr. Stearns pointed out that Milestone Communications offered a pilot program at Robinson High School that provided laptop computers to students in need and the wireless tower located on the school property distributed a

free broadband Internet connection to them at home. Mr. Forkas added that Milestone used its wireless infrastructure as an educational tool to benefit the school community. He said a similar program would be implemented at South Lakes High School in the fall.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Michael Cash, 13589 Cedar Run Lane, Herndon, requested that the plan include the additional screening of evergreen trees to help mitigate the visual impact of the monopole on his neighborhood. He said he was not opposed to the proposal provided that this condition was met.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Stearns.

Mr. Stearns said the applicant fully intended to comply with Mr. Cash's request, noting that a revised landscaping plan had been submitted to the County.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Litzenberger for action on this proposal. (A verbatim excerpt is in the date file.)

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Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION FIND 2232-Y10-9, AS AMENDED, SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Flanagan seconded the motion which carried unanimously.

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> PRC 86-C-121-03 – RESTON EXCELSIOR LLC – Appl. to approve the PRC plan associated with RZ 86-C-121 to permit 457 multi-family dwellings. Located in the N.E. quadrant of the intersection of Dulles Toll Road and Reston Pkwy. on approx. 5.0 ac. of land zoned PRC. Comp. Plan Rec: Planned Residential Community. Tax Map 17-4 ((1)) 7B. HUNTER MILL DISTRICT. PUBLIC HEARING.

On behalf of St. Clair Williams, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), Cathy Lewis, ZED, DPZ, presented the staff report, a copy of which is in the date file. She explained that staff recommended denial of the application because it was not in conformance with the adopted Comprehensive Plan, did not provide the level of detail to allow staff to evaluate the proposed development's compliance with the subject Zoning Ordinance standards, and failed to address a number of outstanding issues, as outlined on pages 22-23 of the staff report:

- Architectural compatibility of the residential buildings with the surrounding development;
- Transportation and pedestrian improvements to Sunset Hill Road;
- Transportation Demand Management (TDM); and
- Passive recreation areas around the existing Oracle stormwater management ponds.

In response to a question from Commissioner de la Fe, Ms. Lewis said the subject Planned Residential Community (PRC) plan was in conformance with the previously approved Concept Plan Amendment (CPA) and the proffers associated with the original rezoning application.

Ms. Lewis responded to questions from Commissioner Hart about development conditions associated with other approved PRC plans within the Reston Town Center; the TDM program; and the Fairfax County Department of Transportation (FCDOT) staff recommendation to widen Sunset Hills Road.

Responding to another question from Commissioner Hart, Ms. Lewis said that she was unsure whether the Metropolitan Washington Airports Authority (MWAA) had permitted construction of the proposed pedestrian trail along the Dulles Airport Access Road. Commissioner de la Fe pointed out that in the event that MWAA did not grant the easements necessary to construct the proposed trail, an alternative pedestrian route would be provided in accordance with the previously approved PRC plan for the Oracle part of the site.

In reply to a question from Commissioner Hall, Ms. Lewis said the applicant had failed to provide detailed elevations, cross sections, and other drawings that demonstrated the architectural concept for the proposed residential buildings and their relationship to the surrounding buildings.

Replying to questions from Commissioner Lawrence, Ms. Lewis said that until staff received the required information listed on pages 22-23 of the staff report, they could not adequately evaluate this application to determine whether the applicable Zoning Ordinance standards had been met. She pointed out that the proposed widening of Sunset Hills Road had been disputed in other cases. She explained that the applicant had not identified any additional pedestrian improvements that could be provided to enhance the route to the planned Reston Parkway Metrorail Station. Ms. Lewis noted that the applicant had also failed to revise the TDM program approved with the CPA to include more techniques tailored to residential use, as recommended by staff.

Commissioner de la Fe pointed out to Commissioner Lawrence that CPA Note Number 30 in Appendix 4 of the staff report included several specific TDM measures. He commented that it was inaccurate to imply that none of the previously approved measures addressed residential use. Ms. Lewis disagreed and said staff merely wanted the applicant to expand upon these measures.

Mark Looney, Esquire, with Cooley Godward Kronish LLP, stated that the proposed PRC plan would implement the proffers and notes associated with the CPA that had been approved in 2006 to permit residential development on the Oracle campus. He delivered a PowerPoint

presentation and reviewed the background of the Reston Town Center and subject property. He said the applicant had addressed all the expectations set forth on the previously approved CP, with the exception of showing the locations of the pedestrian countdown signals. Mr. Looney explained that the recommended extension of the median nose on Reston Parkway and Sunset Hills Road would interfere with the Virginia Department of Transportation's required turning radius from westbound Sunset Hills Road to southbound Reston Parkway. He noted that the Reston Town Center Design Review Board (DRB) had approved the architecture of the residential buildings. He said the applicant did not believe that more detailed architectural drawings were required at this stage of the PRC plan review process, noting that the Zoning Ordinance only required a statement of architectural design, not actual architectural elevations. Mr. Looney claimed that staff's proposed development conditions were repetitious of the commitments under the CP and were inappropriate at this stage because the applicant simply sought to implement the CP. (A copy of the presentation is in the date file.)

Answering a question from Commissioner Hall, Ms. Lewis explained that the applicant must demonstrate achievement of the objectives throughout all of its planning, design, and development, as set forth under Section 6-301, Purpose and Intent, of the Zoning Ordinance.

Commissioner Hall pointed out that the applicant must comply with Fairfax County's PRC plan review process, not just with the DRB review process. She said she did not support the plan because the applicant had failed to provide the information necessary to allow staff to adequately evaluate it. Mr. Looney said the applicant could not provide detailed information on the architecture because this was not yet available; however, he noted that conceptual drawings had been secured with the original CP approval. He explained that following publication of the staff report, the applicant had responded to staff's requests by amending the PRC plan notes to include details on the building materials, lighting, and benches around the Oracle stormwater management pond.

Commissioner Hall suggested that staff provide the applicant with a list of the specific items required. Mr. Looney agreed with this suggestion.

Responding to questions from Commissioner Hart, Mr. Looney said the proposed development conditions based on the application of Comprehensive Plan policies were not applicable to the PRC plan because it was not subject to the rezoning process. He indicated that the applicant had added to the PRC plan notes the incorporation of public art into the site design, in consultation with the Initiative for Public Art in Reston. He explained that some of the proposed conditions conflicted with the CPA notes, such as CPA Note Number 40B and Development Condition Number 5 regarding the timing of the submission of the noise study.

Commissioner Hart recommended that the wording of the development conditions be compared to that of the CPA notes and that conflicts be resolved. He said he agreed with Commissioner Hall's concern about the lack of sufficient information.

Mr. Looney replied to more questions from Commissioner Hart regarding the CP reference sheets in the staff report, drawings in the PRC plan, and the note "this plan for illustrative

purposes only and is subject to change" on Sheet 13 of 33. He also explained that after final architectural approval by the DRB and prior to the issuance of the requested building permit, the applicant would submit final architectural plans to the Planning Commission for review and comment.

In reply to a question from Commissioner Hart, Ms. Lewis said detailed architectural renderings would be presented to the Planning Commission for review only and that no changes could be made at that time.

Commissioner Lawrence said that although he was not opposed to the proposed use, he was concerned that he was unable to effectively evaluate this application due to the lack of information. He suggested that the decision on this application be deferred to allow time for the applicant to meet with staff to determine which specific language would satisfy concerns about architectural design. Mr. Looney agreed with this suggestion.

Replying to a question from Commissioner Lawrence, Commissioner de la Fe indicated that the subject property was located between a quarter and a third of a mile from the planned Reston Parkway Metrorail Station and the proposed residential development would be the closest residential use to that station.

Answering questions from Commissioner Lawrence, Mr. Looney said the applicant expected a substantial share of the residents of the residential buildings who were not employed by Oracle to walk to the planned Metrorail station. He explained that the applicant was obligated under the Reston Town Center proffers to contribute toward the overall success of the TDM program within the Town Center, which included measurement tools, transportation studies, and the LINK program. He noted that the items in CPA Note Number 30A were intended to supplement the proffers in establishing a TDM program that was geared toward the residential development. Mr. Looney expressed concern that staff was increasing the expectations and obligations placed on the applicant despite the fact that the applicant was not asking for anything new and was simply seeking the opportunity to implement the approved CPA.

In response to a question from Commissioner Litzenberger, Mr. Looney said the applicant believed it should be grandfathered from the provision of workforce housing units in compliance with the Workforce Housing Policy Plan because the CPA had been approved prior to the adoption of this policy.

Responding to another question from Commissioner Litzenberger, Commissioner de la Fe said he thought that the Workforce Housing policy was appropriate in rezoning and special exception applications.

Answering a question from Commissioner Litzenberger, Ms. Lewis cited an example where staff had awarded credit for the fulfillment of a proffer in a previously approved application when the applicant had filed an amendment to that application.

In reply to questions from Commissioner Sargeant, Mr. Looney explained that the DRB would only review the visible external components of the development and although the DRB could review green building elements it was not obligated to do so. He indicated that the applicant had provided staff with the approval letter from the DRB, which essentially approved the site plan depicting the horizontal layout of the buildings. He said the condition that the applicant would submit final architectural plans to the Planning Commission for review and comment prior to the issuance of the requested building permit had been applied historically in PRC plans.

Commissioner Sargeant said he thought that the DRB process would provide more detailed findings regarding the architecture that would help inform the Planning Commission's review process and resolve some of the outstanding issues.

Replying to a question from Commissioner Flanagan, Mr. Looney said the DRB did not deal with issues concerning workforce housing, noise, Leadership in Energy and Environmental Design (LEED) certification, and TDM. He explained that the applicant had carried forward certain commitments from the CPA approval to this PRC plan such as a cash contribution for affordable housing. He noted that the PRC plan notes included a commitment to install Energy Star qualified appliances in all of the residential units to address staff's concern about the lack of a commitment to LEED certification for the residential buildings.

Answering another question from Commissioner Flanagan, Ms. Lewis pointed out that on April 22, 2010, the Planning Commission had approved a residential project within the Reston Town Center (PRC 86-C-121-02 and CPA 86-C-121-12), in which the applicant had committed to achieve LEED Silver certification.

Chairman Murphy called for speakers but received no response; therefore, he noted that a rebuttal statement was not necessary.

Commissioner de la Fe expressed concern about a letter dated June 21, 2010, from Mr. Looney regarding the applicant's position on the development conditions because it implied that even the CPA notes were not permissible. (A copy of the letter is in the date file.) He announced his intent to defer the decision on this application to allow time for the applicant to address all the outstanding issues. Commissioner de la Fe explained that the main reason why the PRC plan process had been changed from an administrative approval by the Department of Public Works and Environmental Services to a legislative approval process that required public hearings before both the Commission and the Board of Supervisors was to address those developments that had been approved in the 1960s and early 1970s that could be redeveloped through purely administrative action and without any community input whatsoever. He said in his opinion this plan was different because the Oracle site had been reviewed several times in the past with no objections.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON PRC 86-C-121-03, RESTON EXCELSIOR LLC, TO A DATE CERTAIN OF JULY 22, 2010, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioners Alcorn and Hart seconded the motion which carried unanimously.

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SEA 98-P-030 – APPLETREE OF FAIRFAX, INC. – Appl. under Sect. 3-204 of the Zoning Ordinance to amend SE 98-P-030 previously approved for a private school of general education and child care center to permit change in development conditions and associated modifications to site design and development conditions (with no change in enrollment). Located at 9655 Blake Lane on approx. 1.54 ac. of land zoned R-2. Tax Map 48-3 ((19)) 2 and 3. PROVIDENCE DISTRICT. PUBLIC HEARING.

Scott Adams, Esquire, with McGuireWoods LLP, reaffirmed the affidavit dated May 17, 2010. There were no disclosures by Commission members.

Kelli Goddard-Sobers, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Adams stated that no changes to the maximum daily student enrollment or the hours of operation were proposed and that the only change was the allowable ages of the students. He explained that the applicant had agreed to provide additional on-site stacking areas and to install "no parking" signs warning that violators would be towed alongside the emergency access area. He said the improved on-site circulation would provide a benefit to the school with no additional impact on the neighborhood.

Commissioner Lawrence recommended that the following revisions be made to the proposed development conditions dated June 23, 2010, a copy of which is in the date file:

- Modify Condition Number 15 to clarify that this requirement must be met prior to the issuance of a non-residential use permit; and
- Add language to Condition Number 10 to indicate that the applicant would coordinate off-site parking before any events listed, per an agreement with the nearby church.

Mr. Adams agreed with these revisions.

Commissioner Lawrence pointed out that the applicant would enter into a contract with a towing company that would tow vehicles parked in the emergency access area.

Chairman Murphy called for speakers but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 98-P-030, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JUNE 23, 2010, WITH THE FOLLOWING REVISIONS:

- MODIFY CONDITION 15 TO CLARIFY THAT THIS REQUIREMENT MUST BE MET PRIOR TO THE ISSUANCE OF A NON-RESIDENTIAL USE PERMIT; AND

- ADD LANGUAGE TO CONDITION 10 TO INDICATE THAT THE APPLICANT WOULD COORDINATE OFF-SITE PARKING BEFORE ANY EVENTS LISTED, PER AN AGREEMENT WITH THE NEARBY CHURCH.

Commissioner Alcorn seconded the motion which carried unanimously.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ON THE NORTHWEST PERIPHERY, ADJACENT TO LOT 15, IN FAVOR OF THAT DEPICTED ON THE SEA PLAT.

Commissioner Lusk seconded the motion which carried unanimously.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ON THE NORTHEAST PERIPHERY ON BLAKE LANE.

Commissioner Lusk seconded the motion which carried unanimously.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE LOADING SPACE REQUIREMENT.

Commissioner Lusk seconded the motion which carried by a vote of 11-0-1 with Commissioner Harsel abstaining.

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The meeting was adjourned at 10:26 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved on: September 8, 2011

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Kara A. DeArrastia, Clerk to the
Fairfax County Planning Commission