

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, OCTOBER 29, 2014**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Earl L. Flanagan, Mount Vernon District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Timothy J. Sargeant, Commissioner At-Large

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The meeting was called to order at 8:15 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

On behalf of Commissioner Lawrence, Commissioner Hart MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR 2232-P14-6, VERIZON WIRELESS AND MILESTONE COMMUNICATIONS, TO A DATE CERTAIN OF WEDNESDAY, NOVEMBER 19, 2014.

Commissioner Hall seconded the motion, which carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Sargeant were absent from the meeting.

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On behalf of Commissioner Lawrence, Commissioner Hart MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR RZ/FDP 2014-PR-004 AND PCA 88-D-005-08, AMHERST PROPERTY, LLC, TO A DATE CERTAIN OF THURSDAY, NOVEMBER 6, 2014.

Commissioner Hall seconded the motion, which carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Sargeant were absent from the meeting.

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On behalf of Commissioner Litzenberger, Commissioner Hart MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SE 2014-SU-016, MAI-HUONG THI NGUYEN/HELEN HOME DAYCARE, LLC, TO A DATE CERTAIN OF THURSDAY, NOVEMBER 13, 2014.

Commissioner Hall seconded the motion, which carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Sargeant were absent from the meeting.

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Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SE 2014-LE-027, AZEB IDRIS, TO A DATE CERTAIN OF WEDNESDAY, DECEMBER 3, 2014.

Commissioner Hart seconded the motion, which carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Sargeant were absent from the meeting.

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Commissioner Flanagan announced his intent to further defer the decision only for SE 2014-MV-029, Negat H. Iehdego, Negat's Home Child Care, at the Planning Commission's meeting on Thursday, November 6, 2014, to a date to be determined. He pointed out that the applicant had modified the garage of the dwelling unit without the appropriate permits, which was a violation of Proffer Number 13D of the previously approved rezoning application for the site, RZ 2001-MV-025, which required garages to be utilized only for purposes that did not interfere with the parking of vehicles. He stated that a Notice of Violation had been issued to the applicant by the Department of Code Compliance and additional time was required to resolve this issue, adding that necessary measures to address this matter would be substantial.

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456A-S89-34-2 – VERIZON WIRELESS, 6401 Little Ox Road

Chairman Murphy: I MOVE THE CONSENT AGENDA ITEMS.

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

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FS-B13-94 – VERIZON WIRELESS, 5114 Twinbrook Road

Commissioner Hedetniemi: Thank you, Mr. Chairman. I have a "feature shown" this evening. I MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S

DETERMINATION FOR APPLICATION FS-B13-94 THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY VERIZON WIRELESS, LOCATED AT 5114 TWINBROOK ROAD, IS SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN,” PURSUANT TO VIRGINIA CODE SECTION 15-2232, [sic] AS AMENDED.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion? All those in favor of the motion to concur-

Commissioner Hurley: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hurley: I need to recuse myself from this case. It’s my church and there could be – considered a conflict of interest to be bringing money into my church, so I am recusing myself from this vote.

Chairman Murphy: Okay. Usually, that’s a good thing to do. Okay, I understand. All those in favor of the motion to concur with the “feature shown” determination FS-B13-94, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Hurley abstains [sic].

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

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SE 2014-MV-017 – VERIZON VIRGINIA, LLC (Decision Only)
(The public hearing on this application was held on October 1, 2014.)

Commissioner Flanagan: And the second thing – of course, the decision on Verizon. I have – if you remember, this has been deferred three times because there were three outstanding issues. And every time I deferred it, we got one more done. And finally, we’ve gotten all of them taken care of. So, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERIVOSRS APPROVAL OF SE 2014-MV-017, SUBJECT TO THE CONDITIONS DATED SEPTEMBER 9, 2014, WITH THE ADDITION OF A CONDITION 10 TO READ:

- “IF FAIRFAX COUNTY HAS NOT RECEIVED OR APPROVED A SUBDIVISION PLAN FOR THE REDEVELOPMENT OF THE 4.2 ACRE RESIDUE PARCEL OF VERIZON’S WITHIN 30 MONTHS OF THE DATE OF THIS SE APPROVAL, THE

APPLICANT AGREES TO: ONE, ESCROW WITH FAIRFAX COUNTY THE SUM OF \$5,000 TO BE USED AFTER 30 MONTHS FOR THE IMMEDIATE MITIGATION BY THE APPLICANT OF OFF-SITE WATER MANAGEMENT RUNOFF ONTO EAST LEE AVENUE; AND TWO, INSTALL FENCING AT THE ENDS OF THE EAST LEE AVENUE AND PRESTON AVENUE.”

Chairman Murphy: Okay. Would a representative for the applicant please come forward – identify yourself for the record?

Commissioner Flanagan: I need a second to my motion, I think.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Please come forward. Mr. Flanagan.

Commissioner Flanagan: Do you – you’ve taken a look at this Condition Number 10 and you’re entirely familiar with that?

Sheri Akin, Agents Applicant, McGuireWoods, LLP: Good evening. Sheri Akin with McGuireWoods, on behalf of the applicant – we have looked at the condition and my client agrees with the motion.

Chairman Murphy: Do you agree with all the conditions?

Ms. Akin: Yes.

Chairman Murphy: Okay. Thank you very much. All right, all those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MV-017, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Okay. And I have one last motion, Mr. Chairman.

Chairman Murphy: Go ahead.

Commissioner Flanagan: And I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS:

- ONE, APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING TO PERMIT THE LANDSCAPING AS SHOWN ON THE SPECIAL EXCEPTION PLAT;
- AND TWO, APPROVE A WAIVER OF THE BARRIER REQUIREMENT ALONG THE SOUTHERN PROPERTY LINE; AND

- THREE, DIRECT THE DIRECTOR OF DPWES TO PERMIT A DEVIATION FROM THE TREE PRESERVATION TARGET, PURSUANT TO THE PUBLIC FACILITIES MANUAL.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

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Chairman Murphy noted that there would be no public hearings this evening since all scheduled items had been deferred.

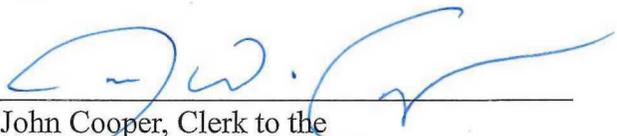
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The meeting was adjourned at 8:23 p.m.
Peter F. Murphy, Chairman
Janet R. Hall, Secretary

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: Jacob Caporaletti

Approved on: June 24, 2015



John Cooper, Clerk to the
Fairfax County Planning Commission