

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, NOVEMBER 3, 2010**

PRESENT: 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  
James T. Migliaccio, Lee District  
Peter F. Murphy, Jr., Springfield District  
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Walter L. Alcorn, Commissioner At-Large

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The meeting was called to order at 8:23 p.m., by Chairman 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, Chairman Murphy expressed sympathy and condolences to the family of Raymond R. McRobie, who passed away on Wednesday, October 20, 2010. He noted that Mr. McRobie had served Fairfax County as a senior building inspector until his retirement in 1986. He added that Mr. McRobie is survived by his daughter, Gloria Watkins, who was a clerk at the Planning Commission Office, and his wife of 67 years, Pauline McRobie, among others.

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Chairman Murphy announced that the Telecommunications Committee would meet on Thursday, November 18, 2010, at 7:00 p.m., in the Board Conference Room of the Government Center.

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Commissioner Flanagan announced his intent to defer the November 18, 2010 public hearing for 2232-V10-8, Milestone Communications/Verizon Wireless, indefinitely.

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR RZ/FDP 2006-PR-027 & SEA 00-P-050, FAIRFAX RIDGE CONDOMINIUM UNIT OWNERS ASSOCIATION, TO A DATE CERTAIN OF FEBRUARY 3, 2011.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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Commissioner Harsel MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING MINUTES:

JULY 8, 2009	JULY 15, 2009	JULY 29, 2009
JULY 9, 2009	JULY 23, 2009	JULY 30, 2009

Commissioner de la Fe seconded the motion which carried by a vote of 10-0-1 with Commissioner Migliaccio abstaining; Commissioner Alcorn absent from the meeting.

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FS-P10-55 – CLEARWIRE, 2900 Sutton Road

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR THAT FS-P10-55, FOR A TELECOMMUNICATIONS FACILITY PROPOSED AT OAKTON HIGH SCHOOL, 2900 SUTTON ROAD, IS A “FEATURE SHOWN” OF THE COMPREHENSIVE PLAN, AS EXPRESSED IN *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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FSA-S09-76-1 – CLEARWIRE, 4050 Legato Road  
FSA-M09-59-1 – CLEARWIRE, 5501 Seminary Road

Chairman Murphy MOVED CONSENT AGENDA ITEMS, FSA-S09-76-1, CLEARWIRE, 4050 LEGATO ROAD, AND FSA-M09-59-1, CLEARWIRE, 5501 SEMINARY ROAD.

Without objection, the motion carried unanimously with Commissioner Alcorn absent from the meeting.

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FSA-V06-16-1 – FIBER TOWER, 10112 Furnace Road

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION FIND THAT FSA-V06-16-1 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Litzenberger seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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FS-L10-44 – APC REALTY & EQUIPMENT COMPANY D/B/A SPRINT, 6500 Byron Avenue

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION FIND THAT FS-L10-44, LOCATED AT 6500 BYRON AVENUE, IS A "FEATURE SHOWN," PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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FSA-B10-9-1 – CLEARWIRE, 7171 Wimsatt Road

Commissioner Harsel MOVED THAT FSA-B10-9-1, CLEARWIRE, 7171 WIMSATT ROAD, BE ACCEPTED AS A "FEATURE SHOWN."

Commissioner Flanagan seconded the motion which carried by a vote of 9-1-1 with Commissioner Hall opposed; Commissioner de la Fe abstaining; Commissioner Alcorn absent from the meeting.

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2232A-D09-2-1 – NEWPATH NETWORKS, LLC, AND NEW CINGULAR WIRELESS PCS, LLC (NODE GFE12A) (Decision Only) (The public hearing on this application was held on September 16, 2010. A verbatim transcript of the decision made is in the date file.)

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION 2232A-D09-2-1, NODE GFE12A, IS SUBSTANTIALLY IN ACCORD WITH PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND APPROVE 2232A-D09-2-1 AS IT CONCERNS NODE GFE12A.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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PRC 86-C-121-03 – RESTON EXCELSIOR LLC (Decision Only) (The public hearing on this application was held on June 24, 2010. A verbatim transcript of the decision made is in the date file.)

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE PRC 86-C-121-03, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED NOVEMBER 1, 2010.

Commissioner Hart seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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RZ 2010-BR-003 – CHRISTOPHER LAND, LLC (Decision Only) (The public hearing on this application was held on October 20, 2010. A verbatim transcript of the decision made is in the date file.)

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF REZONING 2010-BR-003, SUBJECT TO THE EXECUTED PROFFERS DATED OCTOBER 28, 2010, AND THE CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2010-BR-003, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2010-BR-003 AND THE PROFFERS.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY WAIVE THE ON-ROAD BIKE LANE REQUIREMENT AND A MODIFICATION OF THE 8 FOOT-WIDE MAJOR PAVED TRAIL REQUIREMENT FOR BURKE LAKE ROAD IN FAVOR OF THE EXISTING 5.5 FOOT-WIDE PAVED SIDEWALK

Commissioner Hall seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE 600-FOOT MAXIMUM LENGTH OF THE PRIVATE STREET.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF SECTION 10-104(3)B AND C OF THE ZONING ORDINANCE TO PERMIT AN INCREASE IN FENCE HEIGHT TO A MAXIMUM 8 FOOT-TALL FENCE ALONG A PORTION OF THE NORTHERN PROPERTY LINE.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY DIRECT THE DIRECTOR OF DPWES TO GRANT A DEVIATION FROM THE TREE PRESERVATION TARGET AREA REQUIREMENT IN PFM SECTION 12-0507.1 IN FAVOR OF THAT PROPOSED ON THE CDP/FDP.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Alcorn absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. PARK AUTHORITY BRIEFING ON THE PARKS MASTER PLAN
2. RZ 2010-LE-005 & SE 2010-LE-009 – JENNINGS BUSINESS PARK, LLC
3. ZONING ORDINANCE AMENDMENT (APPEALS FEE REDUCTIONS)

This order was accepted without objection.

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PARK AUTHORITY BRIEFING ON THE PARKS MASTER PLAN: “GREAT PARKS, GREAT COMMUNITIES”

Sandra Stallman, Manager, Park Planning Branch, Fairfax County Park Authority (FCPA), introduced Anna Bentley, Senior Park Planner, FCPA, who presented a briefing on the proposed Parks Master Plan entitled: “Great Parks, Great Communities.”

Ms. Bentley noted that the County’s park system was approximately 60 years old and, while it had grown consistent with the demographics and growth patterns, there was a need to update the areas of the County. Ms. Bentley pointed out that the main goal was the development of a Park Comprehensive Plan that would focus on the physical aspects of the park system with a horizon year of 2020. She explained that public input had been gathered through a series of meetings and email from citizens. Upon analysis of the input, Ms. Bentley explained that there were some common concerns, prompting staff to focus on three primary components of the park system: land, facilities, and resources. She noted that the draft Parks Plan retained the old park classifications as well as the new classifications; in addition to recommended Park Master Plan actions. While each district chapter offered data and strategies that would be district-specific, Ms. Bentley said there were eight common themes: Connectivity, Community Building, Service Delivery, Facility Reinvestment, Land Acquisition, Resource Interpretation, Cultural Resource Stewardship, and Natural Resource Stewardship. She briefly discussed each item and provided sample strategies as appropriate. Ms. Bentley explained that once the current “Revise and Adoption” phase was completed at the end of March, staff would begin the process of amending the County Comprehensive Plan to align the Area Plans for Parks and Recreation. She also noted that the Needs Assessment would be updated in 2012. (A copy of Ms. Bentley’s presentation is in the date file.)

Chairman Murphy requested that Ms. Stallman ascertain the Park Authority’s policy regarding telecommunications facilities and said that he had understood that they could be placed on park property with minimal problems. However, he said he received an email telling him that park property was to be considered only when all other possibilities had been exhausted. Ms. Stallman remarked that the policy was correct, but said that she would relay the message to the Park Authority Board. Chairman Murphy also asked about the FCPA charging excessively high fees which discouraged applicants from putting towers on park property.

Answering questions from Commissioner Sargeant, Ms. Stallman explained that recent budgetary constraints prompted the FCPA to focus more on partnerships and finding creative and efficient planning methods. She added that the FCPA had created an equestrian task force and noted that, in partnership with Fairfax for Horses and County equestrians, several County facilities and trails had been rebuilt.

In reply to a question from Commissioner de la Fe, Ms. Stallman confirmed that the current process was a part of the “Needs Assessment Final Report”, which had been prepared in 2004.

Commissioner Lawrence asked Ms. Stallman how the Master Plan would resolve the imbalance of park resources between districts. Ms. Stallman pointed out that reviewing the parks by Planning District allowed for a better understanding of the differences in land resources and the challenges in balancing needs across the County. She added that the plans for parks in high-density areas like Tysons Corner would align with the anticipated future changes in those areas.

Referencing the Mount Vernon District Plan of the “Great Parks, Great Communities” Plan, Commissioner Flanagan and Ms. Stallman briefly discussed the park system and its development in Mount Vernon District. Commissioner Flanagan echoed Commissioner Lawrence’s earlier remarks and praised Ms. Stallman for her work with the Park Authority.

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RZ 2010-LE-005 – JENNINGS BUSINESS PARK, LLC – Appl. to rezone from R-1 and R-3 to C-8 to permit commercial development with an overall Floor Area Ratio (FAR) of .04. Located on the E. side of Loisdale Road and W. of CSX Railroad Tracks and S. of Loisdale Park on approx. 64.53 ac. of land. Comp. Plan Rec: Industrial uses up to .35 FAR with an option for a vehicle sales center. Tax Map 90-4 ((1)) 6A and 7. (Concurrent with SE 2010-LE-009.) LEE DISTRICT.

SE 2010-LE-009 – JENNINGS BUSINESS PARK, LLC – Appl. under Sect. 4-804 of the Zoning Ordinance to permit commercial development. Located on the E. side of Loisdale Road and W. of CSX Railroad Tracks and S. of Loisdale Park on approx. 23.17 ac. of land zoned C-8. Tax Map 90-4 ((1)) 6A and 7. (Concurrent with RZ 2010-LE-005.) LEE DISTRICT. JOINT PUBLIC HEARING.

Elizabeth McKeeby, Land Use Planner, Walsh, Colucci, Lubeley, Emrich and Walsh, PC, reaffirmed the affidavits dated September 15, 2010. Commissioner Hart disclosed that his law firm, Hart and Horan, PC, had one pending case with Ms. McKeeby's firm but indicated that there was no financial relationship and it would not affect his ability to participate in this case.

Brenda Cho, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Ms. McKeeby said the proposed auto dealership would conform to Comprehensive Plan guidelines for a low traffic generating use. She added that the applicant would also build a synthetic turf field and dedicate a 37-acre parcel to the Fairfax County Park Authority (FCPA). She also noted that the applicant had committed to green building practices and remediation of the former landfill site. Ms. McKeeby noted that the Lee District Land Use Committee

recommended approval of the applications, subject to the changes made to Proffer Numbers 12 and 22, and Development Condition Number 9. (A copy of the Memorandum regarding the Revised Proffers & Development Conditions, dated November 3, 2010, is in the date file.)

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

Bruce R. Smith, 5417 Backlick Road, Springfield, representing Edith Rameika, owner of two parcels adjacent to the proposed property, said that she supported the application. He noted that there were several issues that might arise during the development of her property, adding that he had submitted a letter to the Commission outlining each issue. He noted that interparcel access between the applicant's property and Ms. Rameika's property would provide a secondary access and would be more desirable as a safer, less congested traffic route. He also noted that easements should be granted to accommodate sewer, water, and temporary construction. Mr. Smith said that discussions with the applicant were ongoing and that he was optimistic that his concerns would be resolved. (A copy of Mr. Smith's letter is in the date file.)

In response to questions from Commissioner Hall, Mr. Smith said that while his issues had not been fully addressed, he noted the applicant's willingness to work with him and staff, and was confident that all outstanding issues would be resolved prior to the Board of Supervisors' public hearing.

Referring to Mr. Smith's letter, Commissioner Migliaccio asked Ms. Cho to explain the references to the Public Facilities Manual (PFM). Ms. Cho explained that as a requirement of the PFM, an applicant would provide easements and utilities that would be properly sized to serve adjacent properties. Citing paragraphs 6-0201.3 and 10-0102.5b of the PFM, she said provision of the easements was a requirement and, as such, would not be addressed by the applicant in the proffers or development conditions.

In reply to questions from Commissioner Sargeant, Mr. Smith noted that Revised Proffer Number 11 only partially addressed the issue of interparcel access because there was a significant difference in grade between the two properties. He noted that the interparcel access should be functional and constructed to run to the property line, and said the requirement to show the interparcel access on site plan submissions guaranteed that the access road would be built.

Answering questions from Commissioner Hart, Ms. McKeeby noted that there was no site plan for Ms. Rameika's property, so the applicant's Generalized Development Plan showed that the easement continued to the property line while the construction stub would fall short until the property was developed. When Commissioner Hart asked what the difference in grade was between the two properties, William Prodo, Engineer with Walter Phillips, said it was approximately three feet.

Answering a question from Commissioner Migliaccio, Ms. McKeeby stated that the applicant agreed with Mr. Smith's statements and would continue to discuss any ongoing issues, adding

that the applicant had provided Ms. Rameika with a copy of the plans. She stated that proffer language concerning sanitary sewer and stormwater drainage would not be added since it was required by the PFM. In addition, she said the applicant would continue to work with Mr. Smith during the site plan process.

Chairman Murphy agreed with the applicant's decision not to address the sewer and stormwater drainage in the proffers.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. McKeeby, who declined. 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 Migliaccio for action on these applications. (A verbatim excerpt is in the date file.)

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Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2010-LE-005, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE NOW DATED OCTOBER 28, 2010.

Commissioners Flanagan and Sargeant seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioner Alcorn absent from the meeting.

Commissioner Migliaccio MOVED THAT THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2010-LE-009, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED OCTOBER 26, 2010.

Commissioners Flanagan and Sargeant seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioner Alcorn absent from the meeting.

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE BARRIER REQUIREMENT ALONG THE NORTHERN PROPERTY LINE ON PARCEL 7, IN FAVOR OF THAT SHOWN ON THE GDP/SE PLAT.

Commissioners Flanagan and Sargeant seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioner Alcorn absent from the meeting.

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE MINOR TRAIL REQUIREMENT.

Commissioners Flanagan and Sargeant seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioner Alcorn absent from the meeting.

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE WAIVER OF THE FRONTAGE IMPROVEMENTS.

Commissioners Flanagan and Sargeant seconded the motion which carried unanimously with Commissioner Harsel not present for the vote; Commissioner Alcorn absent from the meeting.

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ZONING ORDINANCE AMENDMENT (APPEALS FEE REDUCTIONS) – To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: pursuant to authority granted by §§15.2-107, 15.2-2286(A)(6), and 15.2-2311 of the *Code of Virginia*, the Amendment proposes to revise the filing fee for an appeal of a determination of the Zoning Administrator or a proffered condition from \$2,455 to an amount ranging from \$500 to \$1,000. COUNTYWIDE. PUBLIC HEARING.

Jill Cooper, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She stated that staff recommended adoption of the proposed amendment.

In response to questions from Commissioner Hart, Ms. Cooper said that the reduced fee would cover the cost of advertising. She said that the fee would not be a fine or penalty fee, but an administrative fee to initiate the appeal process. In addition, she confirmed that if a citizen failed to appeal a violation within the 30-day period, the violation would become a final decision and could no longer be appealed.

Answering questions from Commissioner Lawrence, Leslie Johnson ZAD, DPZ, explained that the appeal fee had been increased from \$375 to \$2,455, effective July 2009, as part of an overall fee increase amendment approved by the Board of Supervisors. She explained that the fee represented a 75 percent recovery of the cost to process an appeal. She clarified that the recent *State Code* changes addressed advertising costs as well as staff costs.

Commissioner Lawrence noted that even with a six-fold fee increase, Fairfax County had twice the number of appeal applications as the surrounding jurisdictions and asked why. Ms. Cooper said that a large jurisdiction, such as Fairfax County, with a robust enforcement program would see more violations and, therefore, more appeals. She confirmed that the appeal fee was administrative, not punitive, and that it was intended to recover the cost to process the appeal. Ms. Cooper said the reduced fee would impair the ability to recover costs; however, she said affordability had become a concern because the high fee might be seen as a deterrent to the appeal process. She added that the appeal process varied from case to case with regard to the

number of hours and type of violation. Commissioner Lawrence said the reduced appeal fee would thus be arbitrary, since there would be no way to implement a fee schedule.

Responding to questions from Commissioner Sargeant, Ms. Johnson said that Sections 15.2-2311 and 15.2-2286 (A) (6) of the *Code of Virginia* granted the authority to charge the administrative fee, adding that staff and advertising costs were included. She explained that County staff prepared appeals ads and placed them in the *Washington Times* and sent notifications by first-class mail to the owners of adjacent properties at an approximate cost of \$200.

In reply to questions from Commissioner Flanagan, Ms. Johnson explained that staff had considered charging separate fees for residential and commercial appeals; however, she said that it could not be demonstrated that there was any difference in the processing time associated with either type of appeal, hence a flat fee was determined. She added that the County Attorney had advised that making such a distinction in fees could be discriminatory.

Chairman Murphy called for speakers from the audience.

William Barnes Lawson, Jr., Lawson, Tarter and Charvet, PC, 6045 Wilson Boulevard, Arlington, noted that an appeal was unique because it was a response to an action initiated by the government. He stated that, as a matter of due process for a client, he would customarily appeal a violation notice while simultaneously filing the paperwork for the appropriate rezoning. In addition, he pointed out the adversarial nature of a violation notice, in which a citizen's guilt was automatically implied, and pointed out that an appeal must be presented before the Board of Zoning Appeals (BZA) before it could proceed. Mr. Lawson suggested that if there were to be a distinction in appeal fees, it should be based on a determination by the Zoning Administrator. He explained that such a scenario would allow for a citizen to request a determination from the Zoning Administrator, and if the response was unacceptable, the citizen could then appeal the decision to the BZA. Mr. Lawson pointed out that such an appeal process would be less adversarial than the current violation notice system.

Commissioner Hart pointed out that the only item in the Amendment that could be changed was the fee amount. When asked what would happen if a citizen let the appeal time for a violation lapse, Mr. Lawson explained that the County would assume the citizen's guilt, obtain a summary judgment, and order the citizen to cure the alleged violation.

John W. Farrell, McCandlish and Lillard, PC, 11350 Random Hills Road, Fairfax, expressed concern that the filing fee would be as high as \$1,000. He noted that the current fee had received much criticism during the recent General Assembly deliberations. He compared the Fairfax County appeal fee to that of other court fees in Virginia and stated that a fee set so high essentially rendered the violation decision immune to judicial review. He also noted that a citizen who had requested a waiver of the fee had been denied because there was no provision to waive the fee. Mr. Farrell said a single fee should apply for all appeals and that differentiating between residential and commercial appeals could be detrimental for small business owners. In addition,

he stated that the recovery costs by County staff should be minimal since the majority of effort would have been expended in determining the issues and facts prior to the issuance of the violation notice. He added that once an appeal was filed, staff would merely need to copy the Notice of Violation, along with the historical information and the appeal. Mr. Farrell added that he had suggested that the County Zoning Administrator contact someone from the Virginia Association of Counties or the Virginia Municipal League to compare fees. (A copy of Mr. Farrell's letter is in the date file.)

In response to a question from Commissioner Lawrence, Mr. Farrell said that, like Mr. Lawson, he routinely appealed violation notices.

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

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT ADOPT THE PROPOSED ZONING ORDINANCE AMENDMENT ON THE ZONING APPEAL FEE, AS SET FORTH IN THE STAFF REPORT DATED SEPTEMBER 28, 2010, WITH THE FOLLOWING MODIFICATIONS:

- ON PAGE 4 OF THE STAFF REPORT, LINE 19, CHANGE THE FIGURE OF \$1,000 TO \$600; AND FURTHER,
- THAT THE AMENDMENT BE EFFECTIVE AS OF 12:01 A.M. ON THE DAY FOLLOWING ADOPTION BY THE BOARD OF SUPERVISORS.

Commissioner Lawrence seconded the vote which carried unanimously with Commissioner Harsel not present for the vote; Commissioner Alcorn absent from the meeting.

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The meeting was adjourned at 10:48 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, VA 22035.

ADJOURNMENT

November 3, 2010

Minutes by: Jeanette Nord

Approved: February 23, 2012

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Kara DeArrastia, Clerk to the Fairfax  
County Planning Commission