

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, DECEMBER 3, 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
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Janyce N. Hedetniemi, Commissioner At-Large
Timothy J. Sargeant, Commissioner At-Large

ABSENT: None.

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The meeting was called to order at 8:21 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

Chairman Murphy announced that Commissioner Hall would be retiring from the Planning Commission after 20 years of service at the end of her term, which would expire after December 2014. He said that Mason District Supervisor Penelope Gross had appointed Julie Strandlie as the new Planning Commissioner for the Mason District and she would be sworn in at the Planning Commission's meeting on Wednesday, January 7, 2015. Chairman Murphy then commended Commissioner Hall for her service to the Commission, noting that she had served as the Commission's Secretary and had chaired numerous committees, including the Policy and Procedures Committee, the Personnel and Budget Committee, and the Parks Committee. He also commended her work with the citizens of her district, the Mason District Land Use Committee, and the Mason District Council. He added that the Commission would have an event recognizing her contributions in March or April 2015.

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Commissioner Lawrence announced that the Planning Commission's Tysons Committee would meet on Wednesday, December 10, 2014, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to discuss the transportation portion of the proposed Tysons Plan Amendment.

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Commissioner Lawrence announced that the Planning Commission's Policy and Procedures Committee would meet on Thursday, December 11, 2014, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center.

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Commissioner Hart announced that the Planning Commission's Environment Committee had met earlier this evening to discuss the proposed amendment to the Public Facilities Manual (PFM) regarding the Pro-Rata Program, which would be heard by the Commission in early 2015. He added that the Environment Committee would meet again on the following dates at 7:00 p.m. in the Board Conference Room at the Fairfax County Government Center:

- Wednesday, January 14, 2015, to discuss electric vehicle charging station infrastructure and to receive a presentation from staff regarding a PFM Amendment pertaining to stormwater management;
- Wednesday, February 18, 2015, to discuss building energy policies; and
- Wednesday, March 4, 2015, for an agenda to be determined.

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Chairman Murphy welcomed two boy scouts and their scout leader from the Springfield District, who were in attendance for their public service badge, and asked that they stand and be recognized.

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Commissioner Migliaccio stated that the applicant for SE 2014-LE-035 had missed the reaffirmation of the affidavit; therefore, he MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SE 2014-LE-035, HAIMANOT YIDENGITU, HAIMI'S HOME CHILD CARE, TO A DATE CERTAIN OF JANUARY 21, 2015.

Commissioner Sargeant seconded the motion, which carried by a vote of 12-0.

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Commissioner Flanagan announced his intent to defer the public hearing on SE 2014-MV-045, Zahida Babar d/b/a Azeem Day Care, to a date to be determined at the Planning Commission's meeting on Thursday, December 4, 2014.

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FS-D14-42 – NEWPATH NETWORKS, LLC, 8352 Dominion Drive

Commissioner Ulfelder: Thank you, Mr. Chairman. I have a "feature shown" that I'd like to move this evening.

Chairman Murphy: All right.

Commissioner Ulfelder: It's an item – it's a single new node. It is part of an existing Distributive Antenna System (DAS) along Old Dominion Drive at the intersection with Kimberwicke Road that will help provide additional service as part of the existing DAS network in that area. Therefore, I MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION FOR APPLICATION FS-D14-42, THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY NEWPATH NETWORKS, LLC AT 8352 OLD DOMINION DRIVE IN MCLEAN IS SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN," PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion to concur with the "feature shown" determination in FS-D14-42, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, abstain.

Chairman Murphy: Mr. Sargeant abstains.

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(The motion carried by a vote of 11-0-1. Commissioner Sargeant abstained.)

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RZ 2012-MV-015 – MCSHAY COMMUNITIES INC. (Decision Only)

(The public hearing on this application was held on November 5, 2014.)

Commissioner Flanagan: And then I have two long-awaited motions to make – happily. And the first is – I would like to – the case is RZ 2012-MV-015, McShay Communities Incorporated. You've all received a handout on that, I think, by email previously and tonight you also have a copy in front of you in case you have any questions – still have any questions about it. The – I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2012-MV-015, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE NOW DATED DECEMBER 2, 2014.

Commissioners Litzenberger and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2012-MV-015, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Mr. Chairman, abstain.

Chairman Murphy. Mr. Lawrence abstains, not present for the hearing.

Commissioner Lawrence: Right.

Commissioner Flanagan: And my last motion is I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE THREE MODIFICATIONS AND WAIVERS THAT ARE ATTACHED TO THE HANDOUT THAT YOU HAVE DATED DECEMBER 3, 2014-

Commissioners Litzenberger and Sargeant: Second.

Commissioner Flanagan: -WHICH SHALL BE MADE PART OF THE RECORD OF THIS CASE.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, same abstention.

Commissioner Flanagan: Mr. Chairman, I'd like to – in particular – recognize the hard work done by Mr. McGhan for McShay Communities over three years it's taken to – this has been a most difficult case – right on Richmond Highway where we have a widening of the Richmond Highway and we have a neighbor's property that was a terrible tangle of legal matters that I could – I still don't understand myself. But I'm so glad that Nick Rogers, who was a staff person on this thing, really did a yeoman's job on this. He did just an outstanding job on the part of the staff and I'd like to thank Nick for all the work that he did in helping get this thing. And then I'd – lastly, I'd like to also thank the Lorton Land Use Committee, which stayed with this thing and was in favor of actually approving this way back down the line if it hadn't been for all those legal problems. So it really is an enormous load off my mind. I know that. So I'd like to thank all those people.

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(Each motion carried by a vote of 11-0-1. Commissioner Lawrence abstained.)

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SE 2014-MA-015 – AFGHAN ACADEMY INC. (Decision Only)

(The public hearing on this application was held on October 30, 2014.)

Commissioner Hall: I do have something. You know I have this handy dandy device here and – don't put this on the record because I'm not talking about it. Anyway, I had a wonderful statement to talk about – that this application is fully in compliance with all the ordinances and it's perfectly legitimate. And I will make a statement for the record once I find it. But I really don't want you all sitting here all night waiting for me to find it because it's perfectly legal with what is being proposed. And with that, the reason you're all here smiling and anxiously looking at me is you're ready for me to say I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-MA-015, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 3RD, 2014.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Do you have to call them down to agree with the-

Commissioner Hart: Yes, that's what – get them to approve the new – see if he's in agreement with the conditions.

Commissioner Hall: I was going to have them do that after I started that.

Chairman Murphy: Okay. Go ahead.

Commissioner Hall: But – well, that was the first one.

Chairman Murphy: Go ahead.

Commissioner Hall: Okay, would you – would the applicant's representative, Mr. Martin-

Chairman Murphy: Mr. Martin, come on down.

Commissioner Hall: I got there. You just – you're rushing.

Chairman Murphy: Well I know your time is short on the Commission. I want to make sure you get it all in.

Commissioner Hall: I'm a short-timer.

Keith Martin, Applicants Agent, Tramonte, Yeonas, Roberts, & Martin, PLLC: I'm going to miss you, Ms. Hall.

Commissioner Hall: Yes you are. You're familiar with the new development conditions and do you confirm-

Mr. Martin: We totally agree with them.

Commissioner Hall: -whatever you need to do.

Mr. Martin: Yes.

Commissioner Hall: Okay. Is that good enough?

Chairman Murphy: Yes, just identify yourself for the record we know you-

Mr. Martin: Keith Martin, for the record.

Chairman Murphy: Thank you very much. Okay, Ms. Hall.

Commissioner Hall: Did you not want to work on that first motion that I said?

Chairman Murphy: You already did.

Commissioner Hall: Oh.

Commissioner Hart: We just haven't voted.

Commissioner Hall: You haven't voted.

Chairman Murphy: Oh, all those in favor of the motion-

Commissioner Hall: Thank you.

Commissioner Lawrence: Mr. Chairman.

Chairman Murphy: to recommend to the Board of Supervisors to approve SE – Mr. Lawrence.

Commissioner Lawrence: Just a point of clarification. I was not present for the public hearing, but I reviewed the video on this one so I feel confident to vote.

Chairman Murphy: Okay. All those in favor of the motion to approve SE – to recommend to the Board of Supervisors to approve SE 2014-MA-015, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE FOLLOWING WAIVER:

- WAIVER OF THE PROVISION OF A SERVICE DRIVE, IN LIEU OF THE INTERNAL TRAVEL AISLE;
- MODIFICATION OF THE 40-FOOT BUILDING SETBACK FROM ANY LOT LINE THAT ABUTS AN R-A THROUGH AND R-4 DISTRICT, TO PERMIT THE BUILDING TO BE LOCATED 35.8 FEET FROM THE NORTHERN LOT LINE – 25.5 FEET FROM THE EASTERN LOT LINE, IN FAVOR OF THE TRANSITIONAL SCREENING AND ARCHITECTURAL TREATMENT, AS SHOWN ON THE PROPOSED PLAT AND AS CONDITIONED;
- MODIFICATION OF THE BARRIER REQUIREMENT ALONG THE EASTERN LOT LINE, TO ALLOW WELDED METAL FENCING AS A BARRIER MATERIAL.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: Thank you, Mr. Chairman. I would love to also thank the Afghan Academy. I know this has not been easy. I know that – maybe people were not on their best behavior and they should’ve been. And I wish you best of luck on your application. Thank you very much.

Chairman Murphy: Yes. Just let me add – I think that during the public hearing – I think the whole public hearing – not the Planning Commission’s role in the public hearing come off-track a little bit. And I apologize for that, but that’s bound to happen. But as you can see from the motion that Ms. Hall made that the motion to approve your application was based strictly on land use considerations. And that’s why you were here and that’s what the application was all about. So thank you for your patience and thank you for coming tonight.

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(Each motion carried by a vote of 12-0.)

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. SE 2014-LE-027 – AZEB IDRIS
2. SE 2014-LE-030 – SUSANA MARIA TRUPO, ISLAND CREEK DAY CARE
3. SE 2014-DR-043 – MARK DENNIS MCFADDEN AND LYNNE MARIAN MCFADDEN, TRUSTEES

This order was accepted without objection.

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SE 2014-LE-027 – AZEB IDRIS – Appl. under Sect. 6-105 of the Zoning Ordinance to permit a home child care facility. Located at 6132 Summer Park Ln., Alexandria, 22315, on approx. 2,475 sq. ft. of land zoned PDH-4 and NR. Tax Map 91-3 ((11)) (11) 59.
LEE DISTRICT. PUBLIC HEARING

Azeb Idris, Applicant/Title Owner, reaffirmed the affidavit dated May 15, 2014.

There were no disclosures by Commission members.

Commissioner Migliaccio asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Migliaccio for action on this case.

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Chairman Murphy: Without objection, the public hearing is closed. Recognize Mr. Migliaccio.

Commissioner Migliaccio: Yes, Ms. Idris, could you please stand up one more time. The development conditions that you were handed – and you've seen by staff – regarding your application – do you agree with the development conditions?

Azeb Idris, Applicant/Title Owner: Yes, I do.

Commissioner Migliaccio: Okay. Thank you.

Ms. Idris: You're welcome.

Commissioner Migliaccio: Thank you. This case is fairly simple, Mr. Chairman. It went through our land use committee in Lee District on Monday night by a vote of 24-0-2. We have some new development conditions now dated December 3rd and they were handed out via email and this evening. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-LE-027, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED DECEMBER 3RD, 2014.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-LE-027, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman.

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(The motion carried by a vote of 12-0.)

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SE 2014-LE-030 – SUSANA MARIA TRUPO, ISLAND CREEK DAY CARE – Appl. under Sect. 6-105 of the Zoning Ordinance to permit a home child care facility. Located at 7753 Effingham Sq., Alexandria, 22315, on approx. 1,760 sq. ft. of land zoned PDH-4 and NR. Tax Map 90-4 ((11)) (1) 138. LEE DISTRICT. PUBLIC HEARING

Susana Trupo, Applicant/Title Owner, reaffirmed the affidavit dated March 27, 2014.

There were no disclosures by Commission members.

Commissioner Migliaccio pointed out that the yellow signs that were legally required to be posted on a subject property prior a public hearing had not been present when he visited the site. He then instructed the applicant to re-post these signs to inform the neighbors of her application.

Ms. Trupo explained that it had been removed because a pole was missing, but indicated that she would re-post it.

Commissioner Migliaccio also noted that the proposal had the support of the Lee District Land Use Committee. He then expressed his intent to defer the decision only on the subject application to a date certain of Thursday, December 11, 2014, to provide the applicant with sufficient time to allow the sign to be re-posted. A discussion ensued between Commissioner Migliaccio and Ms. Trupo, with input from Chairman Murphy, regarding the procedures for informing the surrounding neighborhood of an application and the legal requirements pertaining to these procedures.

Commissioner Migliaccio asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Migliaccio for action on this case.

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Chairman Murphy: Without objection, the public hearing is closed. Recognize Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. As you just heard, we had an issue with the yellow sign not being up. I need that up so we can have a chance for the neighbors who walk by, who drive by to see it. And if they want to comment, they can comment. And that is why it is being deferred until December 11th for a decision only. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2014-LE-038 – 030 TO A DATE CERTAIN OF DECEMBER 11TH, 2014, WITH THE RECORD REMAINING OPEN.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion? All those in favor of the-

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hart: I just want to ask – during the deferral, can we just – please make sure with the County Attorney that if there's a problem with the sign not being up or not being up for the right amount of time or something like that – that we don't have to do the – wait for the sign to do the public hearing – that it's okay to do what we did and just defer the decision so that the applicant wouldn't have to start all over-

Kristen Abrahamson, Zoning Evaluation Division, Department of Planning and Zoning: Sure.

Commissioner Hart: -if there's an issue with that.

Ms. Abrahamson: We'll double-check. We've had this issue before, although not recently. So I think we're fine with what the Commission is proposing. We'll also have staff re-post it tomorrow so that it's up.

Commissioner Hart: Thank you.

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. Just for the pendency of the deferral – thank you for the deferral. I have one question for staff. And it's a general question really, but it does apply to this application. In the case of these smaller spaces for daycare centers, such as in the single-family attached – could staff please inform me – not necessarily now, but when you have thought about it some – what your feel is for how many square feet a child needs for space in the event of inclement weather and outdoor play areas not being available to use. If we have a distribution of ages of children, such that there are several cribs in a basement play area in a townhouse – a crib takes up quite a few square feet. And it just occurs to me to wonder how much space, as a practical matter, a toddler who's in the same shift of daycare might need. And that's just a question for general thought. Thank you, Mr. Chairman.

Chairman Murphy: Okay. Public hearing is closed.

Commissioner Migliaccio: I think I made a motion.

Chairman Murphy: Oh yeah, all those in favor of the motion to defer decision only on SE 2014-LE-030 to a date certain of December 11th, with the remaining open for comment, say aye.
Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

Commissioner Migliaccio: Thank you, Mr. Chairman.

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(The motion carried by a vote of 12-0.)

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SE 2014-DR-043 – MARK DENNIS MCFADDEN AND LYNNE
MARIAN MCFADDEN, TRUSTEES – Appl. under Sects. 3-304
and 9-622 of the Zoning Ordinance to permit an office and waivers
and modifications in a CRD. Located at 1470 Ingleside Ave.,
McLean, 22102, on approx. 9,375 sq. ft. of land zoned R-3, SC,
HC, and CRD. Tax Map 30-2 ((7)) (1) 8. DRANESVILLE
DISTRICT. PUBLIC HEARING

Andrew Painter, Applicant's Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit for each application dated November 12, 2014.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had two cases where attorneys from Mr. Painter's firm were representing adverse parties, but noted that those matters and those parties were unrelated to this application and there was no business or financial relationship; therefore, it would not affect his ability to participate in this public hearing.

Michael Van Atta, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application SE 2014- DR-043.

Commissioner Migliaccio pointed out that Development Condition Number 12, which was listed in Appendix 1 of the staff report, prohibited the applicant from pursuing commercial redevelopment of the subject property without the approval of West McLean Citizens Association, Mclean Citizen Association (MCA), and the McLean Planning Committee (MPC). He added that this development condition had been carried over from the previously-approved Special Exception on the property (SE 2008-DR-037), which had expired. When he asked how this condition would be administered, Commissioner Ulfelder indicated that it was not enforceable.

Commissioner Lawrence said that the proposed seven-foot dedication of right-of-way along Ingleside Avenue would be sufficient to ensure the proper alignment of the curb and gutter. He then asked whether this dedication would impact a future redevelopment on the site in terms of setbacks and trails. Mr. Van Atta stated that the trail could be accommodated within the dedicated right-of-way to ensure its use during a future redevelopment. Kristen Abrahamson, ZED, DPZ, also explained that the existing development on the subject property was a non-conforming use and the setback requirements for this development would not change. She then noted that if the development was demolished and rebuilt, it would have to abide by new setback requirements.

In response to questions from Commissioner de la Fe, Mr. Van Atta indicated that the proposal would not affect the by-right development options under the existing R-3 zoning for the site. He then said that the scope of the subject application was limited to permitting the existing non-conforming commercial use on the site. Ms. Abrahamson added that if the applicant redeveloped the subject property, then the subject application would either have to expire or be released through an administrative action by the Zoning Administrator.

Commissioner Ulfelder indicated that the surrounding community did not object to the existing use on the site, but concerns had been expressed about the impact of a future commercial redevelopment, noting that the property was zoned residential.

Commissioner Hart said that he did not support the inclusion of Development Condition Number 12 because it did not mitigate a legitimate impact on the site, adding that it might not be consistent with recent statutes. He described the potential impact of this development condition, noting that it would increase the cost for redevelopment on the subject property and other properties that had similar conditions. In addition, he indicated that including such conditions would establish a negative precedent for similar sites. Ms. Abrahamson concurred with Commissioner Hart's remarks.

Mr. Painter noted the quality of the maintenance on the subject property. He then explained that the subject application would retain the provisions from SE 2008-DR-037, adding that the existing building on the site would not be modified and would remain consistent with the character of the surrounding neighborhood. He also said that the subject application had the support of the MPC and MCA. In addition, he stated that the applicant had agreed to the proposed development conditions, noting that he did not object to the deletion of Development Condition Number 12.

Responding to questions from Commissioner Lawrence, Mr. Painter indicated that the building on the subject property was only utilized during the permitted hours-of-operation. He also said that the building was secured by emergency lights and locks.

When Commissioner de la Fe asked about the origin of Development Condition Number 12, Mr. Painter stated that this condition had been carried over from SE 2008-DR-037.

A discussion ensued between Commissioner Hedetniemi and Mr. Van Atta regarding the development and use on the property located north of the site wherein Commissioner Hedetniemi commended the applicant for their maintenance of the subject property.

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

Chairman Murphy called for concluding staff remarks from Mr. Van Atta, who declined.

Commissioner Hall expressed concern about the conditions and maintenance of the property north of the site.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Ulfelder for action on this case.

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Chairman Murphy: Public hearing is closed. Mr. Ulfelder.

Commissioner Ulfelder: You would think that the neighbors would be ashamed based on that – on your point.

Commissioner Hall: No. I wouldn't think that.

Commissioner Ulfelder: The McFaddens – when they started out with this in 2009, I mean they went – they went above and beyond what the conditions required in terms of the landscaping and beautification of this property – and have created a really wonderful corner lot there, which is actually admired by everybody in McLean. And hopefully, their efforts will be emulated by other in the McLean Community Business Center, but I won't hold my breath. With that being said, I'M GOING TO MOVE, Mr. Chairman, THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-DR-043, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED NOVEMBER 18, 2014.

Commissioners Hall and Litzenberger: Seconded.

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

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: I will OFFER AN AMENDMENT THAT DEVELOPMENT CONDITION 12 BE DELETED.

Chairman Murphy: Do you accept that?

Commissioner Ulfelder: Sure.

Chairman Murphy: Okay.

Commissioner Migliaccio: Mr. Chairman, does Mr. Painter need to come up and-

Commissioner Ulfelder: I'm in trouble already. Why not?

Chairman Murphy: Mr. Painter, do you have any problem with that?

Andrew Painter, Applicants Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: No, Mr. Chairman.

Chairman Murphy: Okay. All those in favor of the motion to recommend to the Board of Supervisors-

Commissioner Migliaccio: Did Mr. Painter agree to all the development conditions on the record?

Chairman Murphy: Oh yeah.

Commissioner Ulfelder: No, why don't you – yeah. Well, it would be the amended development conditions, 1 through 11, without Number 12 would be – on behalf of the applicants, would you accept the conditions dated November 18th, plus the amended change to Number 12?

Mr. Painter: On behalf of the applicant, we do.

Commissioner Ulfelder: Yeah, okay.

Chairman Murphy: Okay, all those in favor of the motion to the Board of Supervisors that it approve SE 2014-DR-043, minus Development Condition Number 12, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: Also, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING WAIVERS AND MODIFICATIONS:

- MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE WESTERN PROPERTY LINE IN FAVOR OF THE EXISTING LANDSCAPING, AS SHOWN ON THE SE PLAT;
- MODIFICATION OF THE BARRIER REQUIREMENTS TO THE NORTH AND WEST IN FAVOR OF THE EXISTING BARRIERS, AS SHOWN ON THE SE PLAT;

- MODIFICATION OF THE FRONT YARD REQUIREMENTS IN A CRD TO PERMIT SETBACKS OF 25.8 FEET AND 25.3 FEET ALONG INGLESIDE AVENUE AND MEADOWBROOK AVENUE, RESPECTIVELY;
- REDUCTION OF THE PARKING REQUIREMENTS IN A CRD TO PERMIT THREE PARKING SPACES INSTEAD OF FOUR; AND
- WAIVER OF THE TRAIL CONSTRUCTION REQUIREMENTS ALONG INGLESIDE AVENUE AND MEADOWBROOK AVENUE IN FAVOR OF THE DEDICATION OF SEVEN FEET OF RIGHT-OF-WAY ALONG INGLESIDE AVENUE.

Commissioner Litzenberger: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. Thank you, Mr. Painter. Thank you, Mr. Van Atta. Thank you, Ms. Abrahamson.

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(Each motion carried by a vote of 12-0.)

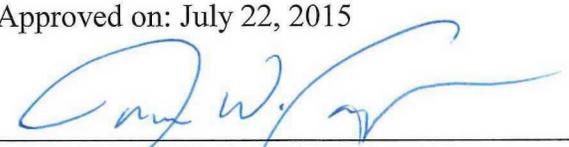
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The meeting was adjourned at 9:03 p.m.
Peter F. Murphy, Chairman
Janet R. Hall, Secretary

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: July 22, 2015



John Cooper, Clerk to the
Fairfax County Planning Commission