

PCA 76-M-007-02 – FAIRFAX COUNTY SCHOOL BOARD

Decision Only During Commission Matters
(Public Hearing held on May 20, 2015)

Commissioner Strandlie: Thank you, Mr. Chairman. We have the decision in the Bailey's upper playground case. That is PCA 76-M-007-02, and I'd like to call the representatives of the School Board up to the podium. And since last evening, we have been working to simplify Proffer Number 12. It's always more difficult to write less is – less than more, so we have been diligently working on that today, and we have circulated to everyone the revised proffers, and you will see that Proffer Number 12 has lots of red lining in it. We have also circulated another document that is the actual language without all the red lining in it, and with one minor omission on the second paragraph, line 3. It should say the interparcel connection on the property shall be constructed by the applicant – the words "by the applicant" are missing -- at the same time. So, Mr. McGranahan, would you summarize our conversation and confirm that – that we have agreed to this language and we will revise these proffers?

John McGranahan, Jr., Esquire, Hunton & Williams LLP: Yes, yes. And Commissioner Strandlie described what you have in front of you. The revised proffers do have this language in it, but it's – it's so substantially revised, we thought it was better for you, and easier and quicker for you to read the clean version. But we did – we worked with Commissioner Strandlie and with staff throughout the day. We had a couple – I had a couple of meetings and was out of the office and I know Ms. Abrahamson had a couple of meetings and she was tied up. So, it was kind of tight as we were wrapping things up and your meeting was approaching but, essentially, it memorializes what we discussed last night and I think what you see here in front of you is that the interparcel access is provided for and there's the commitment that when it happens, either with the redevelopment of the next door neighbor's property or with a VDOT project for Leesburg Pike/Route 7, that the School Board would make sure that that connection on their property is constructed to tie into that so that you get it. And then the following paragraphs talk about what happens to that existing entrance once that alternative is in place, if you will. So with that, I think we have addressed the staff's issues to the School Board's satisfaction and are in good shape.

Vice Chairman de la Fe: Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. I have a – I asked last night if the direct access to Route 7 would be closed off to all except school buses that would staff, as well as the parents, as well service clerks, etcetera, use the interparcel road. And last night, I thought we – the answer was yes, staff would use the interparcel access. This proffer says the driveway entrance onto Route 7 service shall be restricted to bus and staff use. So, will staff continue to go directly onto Route 7? I don't particularly care either way. I'm just looking for – seeking clarification.

Mr. McGranahan: Yes, I mean, really, it is both. That's essentially what happens now. I mean, right now, there are two entrances onto Route 7. One of them is for student drop off, kiss-and-ride, as it's known; and then the other is for the buses and the – and the staff. And they're segregated that way. The concept is that the new interparcel connection in the back, or to the south, would replace the – the current parent/student drop off.

Commissioner Hurley: So I's basically –

Mr. McGranahan: – and so that function moves but the other function remains in place, and that's why it says –

Commissioner Hurley: It's only for the kiss-and-ride function and the service trucks delivering food, books, whatever, will use the Route 7 access as well, then. Everybody except the kiss-and-ride?

Mr. McGranahan: No, I mean, I think the way the proffer's written, it's buses and staff –

Commissioner Hurley: I'm trying to find –

Mr. McGranahan: – and staff

Commissioner Hurley: Only staff.

Mr. McGranahan: Yes.

Commissioner Hurley: But that doesn't mean the service truck staff. It only means teaching staff. I'm thinking about the trucks.

Mr. McGranahan: Correct. Staff means school staff.

Commissioner Hurley: Okay, you might clarify that a little bit before it gets to the Board of Supervisors, because the trucks are a different kind of traffic.

Commissioner Strandlie: We can do that.

Commissioner Hurley: I don't have any problems with it, but I just want it clarified.

Commissioner Hart: Mr. Chairman?

Vice Chairman de la Fe: Yes, Mr. Hart.

Commissioner Hart: Let me – let me just suggest – I – I – I read 12 and 13 several times before the public hearing yesterday and I couldn't quite get it, but what I was going to suggest... I think everyone knows what we mean. And this is, I think, very close to that, and we just – since we've got, sort of complicated changes at the last minute – I know there's a Board date and we have to vote tonight. Mr. McGranahan, if there's some slight word-smithing to capture what everyone's agreed to in concept between now and the Board, you – you don't have a problem with that, do you?

Mr. McGranahan: No problem whatsoever, and I think, quite frankly, the three of us who were working on it right up until 7:30 – we might see something that needs to be tweaked to get to the intent. I – I don't anticipate that, but we have no problem with what you just said, Commissioner Hart.

Commissioner Hart: Thank you.

Vice Chairman de la Fe: Okay.

Commissioner Strandlie: Thank you.

Vice Chairman de la Fe: Okay, Ms. Strandlie.

Commissioner Strandlie: And heretofore, it's student drop- – drop off and pickup, as opposed to kiss-and-ride or parent drop off, because obviously other people than parents, guardians, grandparents and after-school programs do drop-offs, and they don't kiss. So – so that – we'll – we'll clarify – that has been clarified in this. So if anyone has any other questions, we'll go forward with a motion.

Mr. McGranahan: Thank you.

Commissioner Strandlie: And we'll continue to fine-tune this as – as needed. I therefore MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA 76-M-00-202 [sic] – let me try that again – PCA 76-M-77-02 [sic], SUBJECT TO THE EXECUTION OF PROFFERS DATED MAY 21ST, 2015, AS AMENDED BY THE APPLICANT THIS EVENING, AND DISTRIBUTED THIS EVENING WHICH ADDS THE WORDS TO PROFFER NUMBER 12 BY THE APPLICANT AFTER THE WORDS CONSTRUCTION IN paragraph – LINE 3 OF PARAGRAPH 2 AND AS FINE-TUNED AS SUGGESTED BY COMMISSIONER HART. I therefore move that the planning Commission recommend approval of the following: modification –

Vice Chairman de la Fe: Could – could we vote on each –

Commissioner Strandlie: Sure.

Vice Chairman de la Fe: – separately? Is there a second for the first one?

Commissioner Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi. Any discussion?

Commissioner Hart: Mr. Chairman?

Vice Chairman de la Fe: Yes.

Commissioner Hart: I think what Ms. Strandlie meant to say was after the word “CONSTRUCTED,” rather than “construction.”

Commissioner Strandlie: Okay.

Vice Chairman de la Fe: Okay.

Commissioner Strandlie: Right, after – after “shall be constructed.”

Commissioner Hart: Yes.

Vice Chairman de la Fe: Okay, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Commissioner Strandlie.

Commissioner Strandlie: Okay, thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE FOLLOWING:

- MODIFICATION OF THE FRONT YARD SETBACK FROM 20 FEET TO 11 FEET, PURSUANT TO PARAGRAPH 1A OF SECTION 9-622 OF THE ZONING ORDINANCE, IN FAVOR OF THE ALTERNATIVES AS SHOWN ON THE PROPOSED GDP AND AS CONDITIONED;
- MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG A PORTION OF THE WESTERN PROPERTY LINE adjacent – ADJACENT TO LOT 12A, PURSUANT TO PARAGRAPH 14 OF SECTION 13-305 OF THE ZONING ORDINANCE, IN FAVOR OF THE ALTERNATIVES AS SHOWN ON THE PROPOSED GDP AND AS CONDITIONED; AND
- MODIFICATION OF THE LOCATION OF THE BARRIER, PURSUANT TO PARAGRAPH 14 OF SECTION 13-305 OF THE ZONING ORDINANCE, IN FAVOR OF THE LOCATION AS SHOWN ON THE PROPOSED GDP AND AS CONDITIONED.

Commissioner Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Commissioner Hedetniemi. Any discussion? Hearing and seeing none all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

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

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