

Planning Commission Meeting
February 17, 2016
Verbatim Excerpt

SEA 97-V-061 – ARA, INC. T/A GUNSTON SHELL SERVICE STATION

Decision Only During Commission Matters
(Public Hearing held on January 14, 2016)

Commissioner Flanagan: Yes, before I start, I'd like to defer to Commissioner Hart.

Commissioner Hart: Oh, thank you. Mr. Chairman, if we're doing the decision on the Gunston Shell case – yeah, I wanted to – before we go on the verbatim – between the time of the public hearing and tonight, the law firm of Hart & Horan, PC has one case with Mr. Jenkins, who is the appellants – or, excuse me, the applicant's agent – representing another party. That matter came up after we did the public hearing. I would've done the disclosure then. I'm doing it now. I don't believe it would affect my ability to participate in the case. We have no business or financial relationship. Those parties and that matter is entirely unrelated to this, but I'll make that disclosure. Thank you.

Chairman Murphy: Thank you very much. Mr. Flanagan.

Commissioner Flanagan: Yes. Well, I have a decision only on the agenda tonight. It's the first item. During the January 14 public hearing, regarding the Gunston Shell Service Station Special Exception Amendment 97-V-061, testimony by the South County Federation concurred with the staff recommendation of approval, provided six changes were made to the staff conditions. In addition, there was a commission question about the amount of right-of-way needed for the station property owner from the – station property owner – for the future widening of Richmond Highway. The Commission deferred a decision until tonight. County staff, the applicant, the South County Federation, and I met on February 10, during which all six concerns were reviewed. All now agree with the revised conditions distributed to the Commission yesterday. In addition, it was determined that the right-of-way needed in the VDOT location study plans for the widening of Richmond Highway will not be 48 feet, as in the staff report, but only 20 feet. I therefore request that the applicant come forward and confirm for the record their agreement to the proposed development conditions, now dated February 16, 2016.

Mark Jenkins, Applicant's Agent, Mark Jenkins, PC: Mark Jenkins, attorney and agent for the applicant, I have a copy of the conditions dated February the 10th. I assume that they're identical.

Commissioner Flanagan: Yes, they are.

Mr. Jenkins: They're a different date. I did want to clarify – I wasn't quite certain about the reference to the dedication, but we concur with the conditions as stated in the February 10th.

Commissioner Flanagan: Right.

Mr. Jenkins: We are not concurring with the dedication.

Commissioner Flanagan: There's no requirement for the dedication of that 20 feet at this time.

Mr. Jenkins: Thank you. So I can confirm that we are in agreement with the development conditions dated February the 16th, 2016.

Commissioner Flanagan: Thank you. Well therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 97-V-061, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 16, 2016.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? Mr. Sargeant.

Commissioner Sargeant: Mr. Chairman, just one question for clarification – for Commissioner Flanagan. In your statement regarding the right-of-way, does anything in that initiative – motion – impact otherwise – in any way the BRT-required right-of-way?

Commissioner Flanagan: The who? Who required?

Commissioner Sargeant: The Bus Rapid Transit right-of-way.

Commissioner Flanagan: That remains yet to be seen. At the present time, Embark calls for the bus rapid transit all the way to the Occoquan past this gas station. However, I think that it – it calls for it to be in dedicated lanes, but the text that goes along with it says that they would use local lanes south of the Fairfax County Parkway. So you'll note that at the Fairfax County Parkway as you go south, there's bridge construction across the Pohick Creek and there's a gap between the two bridges. So there's no way for the buses to go south of the Fairfax County Parkway, except on the regular lanes.

Commissioner Sargeant: Mr. Chairman, can I get a clarification from staff just so I know for my own understanding?

Chairman Murphy: Mr. Rogers.

Nicholas Rogers, Zoning Evaluation Division, Department of Planning and Zoning:
Commissioner Sargeant, how can we help?

Commissioner Sargeant: Just want to make sure I understand that this does not influence – impact the requirements for bus rapid transit all the way down to the Occoquan, as Commissioner Flanagan described.

Mr. Rogers: It does not.

Commissioner Sargeant: So you're good to go with this? Thank you very much.

Mr. Rogers: You're welcome.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 97-V-061, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Mr. Chairman?

Commissioner Flanagan: I have two more motions, Mr. Chairman.

Chairman Murphy: Hold on.

Commissioner Migliaccio: Mr. Chairman, on that motion, I abstain. I was not here for the public hearing.

Chairman Murphy: Okay. Mr. Migliaccio abstains, not present for the public hearing. Mr. Flanagan.

Commissioner Flanagan: Yes. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE FRONTAGE IMPROVEMENTS REQUIREMENT IN SECTION 17-201 OF THE ZONING ORDINANCE IN FAVOR OF THAT SHOWN ON THE SEA PLAT.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Abstain.

Commissioner Flanagan: And finally, I move that the Planning Commission recommend

Chairman Murphy: And same abstention on that all-

Commissioner Flanagan: Same abstention? Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS IN SECTION 13-302 OF THE ZONING ORDINANCE IN FAVOR OF THOSE SHOWN ON THE SEA PLAT.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention. Thank you.

//

(Each motion carried by a vote of 11-0-1. Commissioners Migliaccio abstained from the vote.)

JLC