

Planning Commission Meeting
May 1, 2014
Verbatim Excerpt

SEA 97-M-075-02 – MUBARAK CORPORATION

Decision Only During Commission Matters
(Public Hearing held on April 24, 2014)

Commissioner Hall: Thank you, Mr. Chairman. Okay – on April 24th, 2014, we heard the application SEA 97-M-075-02, Mubarak Corporation. Although the application had the support of the Mason District Land Use Committee and staff, we did have a speaker who brought forth some problems. Evidently, he was the owner of the property that was adjacent to the application and he was concerned about several items. In order to provide additional time to make sure those items were addressed by conditions – and also to find out exactly what was going on – I deferred decision until this evening. Also, what came out was the need that we bring a – additional condition forward – a commitment that was included in the original SE 97-M-075 to facilitate future improvement of Route 50/Route 70 intersection and has been agreed to the applicant. It is now known as Condition Number 23. Revised conditions were forwarded to my fellow Commissioners and I hope that you've had sufficient time to review them. Additionally, Condition Number 24 was also included and it addressed his concerns about loading and unloading of delivers – and the need that it be specifically stated that they take place on-site and that they not block interparcel connection with his restaurant. He wrote us a letter on April 30th – basically had identified three concerns. Now, it's not unusual for we the – for the Planning Commission to become aware of concerns of citizens. Sometimes we can address them and then sometimes we can't. His first concern was he wanted a regulation to concern the patrons on the application site. We don't issue conditions that do that so unfortunately – while we have to rely on our citizens to behave well, there is no condition that we could impose on the applicant to control the public. The next was delivery trucks. That was addressed by the Condition Number 24 that I just mentioned. The third condition was about parking – that there would be a need for additional parking as a result of this higher zoning. This application does not change the zoning. It is highly unlikely that it would result in increased traffic. It is a gas station. People go to the gas station and while they're there, they may go into the store. They may not. Considering all the shopping centers and other commercial stores available, I don't really see that there would be an increase in this traffic. At least it does not appear to be reasonable. He also mentions within 500 yards radius of the application, there are three carry-out beer and wine establishments across the street. There is a State of Virginia ABC store. So if you want alcohol, you can find it in Seven Corners. And it's highly unlikely that you risk driving in and out of this service station. I know the – the applicant tried to address his concerns, as well as staff. I also know that he's probably not satisfied with this response, but I do believe that we've given it the best effort. And we've done everything we can to try and address his concerns. I did ask staff to follow-up with Zoning Enforcement to see if there were any charges against this applicant. And unfortunately, that could not happen. But when we explained to the applicant that if he has a problem with this particular site complying with the conditions, all he has to do is notify Zoning Enforcement and he is not inclined to do that. He doesn't want to have to pick up the phone and do that – clearly, his options. I think we've done the best we can. Again, this application enjoys the support of Mason District Land Use. It does support – it is supported by staff. And I MOVE THAT THE

PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 97-M-075-02, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED APRIL 30TH, 2014.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 97-M-075-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman?

Commissioner Migliaccio: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Migliaccio: Abstain, not present for the public hearing.

Chairman Murphy: Mr. Migliaccio and Mr. Sargeant abstain?

Commissioner Sargeant: Yes.

Chairman Murphy: Okay.

Commissioner Hall: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS REAFFIRM THE PREVIOUSLY-APPROVED WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG THE Route 4 – excuse me, ROUTE 7 FRONTAGE AND A WAIVER OF THE OPEN SPACE REQUIREMENT, PER SECTION 612 [sic].

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, same abstentions.

Commissioner Hall: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A

MODIFICATION OF THE MINIMUM OFF-STREET PARKING REQUIREMENTS IN A COMMERCIAL REVITALIZATION DISTRICT TO ALLOW A 20 PERCENT REDUCTION IN REQUIRED SPACES.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, same abstentions.

Commissioner Hall: Thank you, Mr. Chairman.

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(Each motion carried by a vote of 10-0-2. Commissioners Migliaccio and Sargeant abstained.)

JLC