

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MARCH 2, 2016**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
James R. Hart, Commissioner At-Large
Timothy J. Sargeant, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Julie Strandlie, Mason District
Earl L. Flanagan, Mount Vernon District
Karen Keys-Gamarra, Sully District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Kenneth A. Lawrence, Providence District

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The meeting was called to order at 8:18 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 Matthew Hayes, a member of the Boy Scouts of America in the Hunter Mill District, was in attendance for the meeting tonight as part of the requirement to receive his Citizenship Merit Badge. He then welcomed Mr. Hayes on behalf of the Commission to the meeting.

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Chairman Murphy announced that Cub Scout Pack 150, which had attended the Planning Commission's meeting on Wednesday, February 17, 2016, had submitted a letter of appreciation to the Commission for accommodating their visit. He then commended Pack 150 for their work and commitment to public service.

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Chairman Murphy announced that the Planning Commission would conduct a workshop for the County's Capital Improvement Program (CIP) for Fiscal Years 2017 through 2021 on Thursday, March 3, 2016, at 7:30 p.m. in the Board Auditorium of the Fairfax County Government Center. He also noted that the public hearing for the CIP would be conducted after the workshop had concluded.

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On behalf of Commissioner Lawrence, Commissioner Hedetniemi stated that the Planning Commission's Tysons Committee had met earlier this evening to discuss the Tysons Master Plan with staff. She then announced that the Tysons Committee would meet again on Wednesday, March 16, 2016, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center. She added that this meeting was open to the public.

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On behalf of Commissioner Lawrence, Commissioner Hedetniemi MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY FOR PCA/CDPA 2011-PR-023, CITYLINE PARTNERS, LLC, AND FDP 2011-PR-023-04, RENAISSANCE CENTRO TYSONS, LLC, TO A DATE CERTAIN OF MARCH 9, 2016, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Flanagan seconded the motion, which carried by a vote of 11-0. Commissioner Lawrence was absent from the meeting.

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Commissioner Ulfelder stated that the Commission had received a staff report addendum for RZ 2014-DR-022, Basheer/Edgemoore-Brooks, LLC, which contained revisions to the proffers and modifications to the Generalized Development Platt. Therefore, he MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY FOR RZ 2014-DR-022, BASHEER/EDGEMOORE-BROOKS, LLC, TO A DATE CERTAIN OF MARCH 16TH, 2016, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Hart seconded the motion, which carried by a vote of 11-0. Commissioner Lawrence was absent from the meeting.

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. AR 98-S-001-02 – EDITH E. BIERLY
2. SEA 97-V-033-02 – MOUNT VERNON COUNTRY CLUB, INC.

This order was accepted without objection.

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The first public hearing was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman de la Fe.

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AR 98-S-001-02 – EDITH E. BIERLY – A&F District Appl.
Renewal authorized by Chapter 115 (County Code), effective June 30, 1983 to permit renewal of a previously approved agricultural and forestal district. Located at 8833 Lake Hill Dr., Lorton, 22079, on approx. 23.9 ac. of land zoned R-1, WS. Please call the Zoning Evaluation Division at 703-324-1290 after March 2, 2016 to obtain the AFDAC and Planning Commission recommendations. Tax Map 106-1 ((1)) 14Z and 16Z; 106-1 ((3)) 9Z, 10Z and 18Z.
SPRINGFIELD DISTRICT. PUBLIC HEARING.

Commissioner Murphy asked that Vice Chairman de la Fe 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, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Murphy action on this case.

(Start Verbatim Transcript)

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Vice Chairman de la Fe: And if there no Commission questions, I will close the public hearing.

Commissioner Murphy: Thank you, Mr. Chairman. This is a straightforward application of an Agricultural and Forestal renewal in the Springfield District of 23.9 great acres on Lake Hill Drive in the Lorton part of the Springfield District. They meet all the criteria established for an Agricultural and Forestal District. Therefore, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE AMENDMENT OF APPENDIX F OF THE FAIRFAX COUNTY CODE TO RENEW THE BIERLY LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE PROPOSED ORDINANCE PROVISIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioners Hart and Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Ms. Hedetniemi and Mr. Hart. 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. Thank you very much.

(The motion carried by a vote of 11-0. Commissioner Lawrence was absent from the meeting.)

(End Verbatim Transcript)

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At the conclusion of the case, Chairman Murphy resumed the Chair.

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SEA 97-V-033-02 – MOUNT VERNON COUNTRY CLUB, INC.

– Appl. under Sects. 2-904 and 3-204 of the Zoning Ordinance to amend SE 97-V-033 previously approved for uses in a flood plain, golf course, and country club to permit site modifications, including grading, dredging, and stream restoration within a portion of the 100-year flood plain, and modifications to development conditions. Located at 5111 Old Mill Rd., Alexandria, 22309, on approx. 127.73 ac. of land zoned R-2, HD (part). Tax Map 110-1 ((1)) 3, 4, 13, and 13A. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Inda Stagg, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated February 1, 2016.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had multiple cases where attorneys in Ms. Stagg's firm were representing adverse parties. However, he noted that this matter and those parties were not related to this case and there was no business or financial relationship; therefore, it would not affect his ability to participate in this case.

Nicholas Rogers, Zoning Evaluation Division, 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 SEA 97-V-033-02.

A discussion ensued between Commissioner Migliaccio and Mr. Rogers regarding the period during which dredging of the fill from the on-site ponds would occur and whether this process would generate a significant noise impact on the surrounding neighborhoods.

When Commissioner Ulfelder asked about the flow of the stream channels on the subject property, Mr. Rogers described the direction of this flow, stating that it flowed from the northeast portion of the site to the southwest portions. A discussion ensued between Commissioner Ulfelder and Mr. Rogers regarding the location of the existing ponds on the subject property and the schedule for the silt removal for these ponds wherein Mr. Rogers indicated that this location would not be modified under the proposal.

Referring to Development Condition Number 30 in the revised set of development conditions dated February 26, 2016, which required the applicant to submit detailed specifications of the site plan to demonstrate that the dredge soil decanting areas would be secured and contained with proper erosion and sedimentation control measures, Commissioner Hart asked whether the decanting areas were the same as the de-watering areas on the site. Mr. Rogers indicated that these areas were the same. (A copy of the revised set is in the date file.)

Commissioner Hart expressed concern that the proposal would generate significant amount of fill and asked whether there was a specific timeframe attached to the provisions of Development

Condition Number 30. Mr. Rogers said that this condition did not articulate a timeframe, but noted that the construction schedule for the proposal was sufficient to ensure that the provisions of this condition would be fulfilled in a timely manner. Commissioner Hart then suggested that a timeframe be included with Development Condition 30. A discussion ensued between Commissioner Hart and Mr. Rogers, with input from Mary Ann Welton, Planning Division, DPZ, regarding the potential timeframe the applicant could utilize for fulfilling these provisions, wherein Ms. Welton echoed remarks from Mr. Rogers regarding the applicant's commitment to complying with these provisions, adding that additional coordination between staff and the applicant would be necessary to address this issue.

Commissioner Hart pointed out that accumulations of fill on the site could affect the flow of runoff on the subject property and asked how the direction of this runoff would be affected by significant amounts of fill. Mr. Rogers explained that the runoff would be directed into the existing channels on the site, adding that staff had coordinated with the applicant to ensure that the proposal would not direct excess runoff onto neighboring properties. He added that the applicant's provisions for mitigating runoff would be subject to approval by the appropriate County staff.

When Commissioner Hedetniemi asked about the final depth of the ponds on the subject property, Mr. Rogers said that the depth of these ponds would be approximately six feet and this depth was similar to their existing depth. A discussion ensued between Commissioner Hedetniemi and Mr. Rogers regarding potential safety concerns associated with the depth of these ponds wherein Mr. Rogers stated that the applicant's provisions for the grading and slope of the areas would sufficiently address this issue.

, Commissioner Sargeant asked whether staff supported the memorandum from Ms. Stagg dated February 26, 2016, which included additional language for Development Condition Number 27 that required the applicant to provide an annual payment schedule to ensure the necessary funds for the trail fundraiser previously approved by the Board of Supervisors. Mr. Rogers said that staff had reviewed this revision and did not object to it. Commissioner Sargeant also suggested an additional revision to Development Condition Number 27 that would modify "MVCCA" at the end of the condition to read "Mount Vernon Council of Citizens Association" to improve the clarity of the language. (A copy of the memorandum is in the date file.)

A discussion ensued between Commissioner Strandlie and Mr. Rogers regarding why the applicant had been unable to fulfill the original agreement with the Board of Supervisors from 2008 within the allotted timeframe, wherein Mr. Rogers indicated that the applicant had encountered additional obstacles, but the revision to Development Condition Number 27 was intended to update the language of this requirement and incorporate it into the subject application.

Commissioner Keys-Gamarra asked whether staff received reports from the applicant regarding the status of the funds associated with the fundraising agreement the applicant had finalized with the Board of Supervisors in 2008. Mr. Rogers said that staff did not receive reports from the applicant regarding the applicant's efforts to raise the necessary funds to abide by this agreement, but noted that staff from the Department of Public Works and Environmental Services (DPWES)

tracked the status of these funds. In addition, Mr. Rogers indicated that staff had made a sufficient effort to verify the funds that the applicant had submitted to date.

Referring to language in the last paragraph on Page 7 of the Staff Report, Commissioner Keys-Gamarra pointed out that staff and the applicant had dedicated significant effort to ensure that the proposed fill within the floodplain and the fill dredged from the two on-site ponds would be secured in a manner that would not affect neighboring properties. She then asked how subsequent efforts would be monitored to ensure that neighboring properties would not be negatively impacted by the proposal. Mr. Rogers stated that concerns raised by neighboring residents would be the primary method for monitoring the effectiveness of these efforts, but noted that staff and the applicant would utilize appropriate processes for sediment and erosion control to ensure that such a negative impact was not incurred. He also described these processes, noting that such processes included a plan that would be submitted by the applicant to articulate the efforts necessary to alleviate the impact of sediment and erosion on the site. Mr. Rogers added that this plan would be subject to review from multiple inspectors by the appropriate staff.

A discussion ensued between Commissioner Migliaccio and Ms. Stagg regarding the noise generated by the construction equipment that would be utilized in implementing the proposal wherein Ms. Stagg reiterated that the applicant would comply with the Zoning Ordinance.

Continuing her testimony, Ms. Stagg addressed concerns from Commissioner Hart regarding the procedure for de-watering of the ponds on the subject property, stating that the applicant had coordinated with DPWES on these procedures and the details of these procedures would be finalized prior to the site plan review. She then indicated that the flow of water would be directed to streams located within the subject property, adding that these streams would ensure the flow did not impact neighboring properties. Ms. Stagg also stated that containment structures would be utilized during the de-watering process to further mitigate the impact on surrounding properties, adding that this process would occur over the span of one month. In addition, she said that the construction process for implementing the features articulated in the proposal was scheduled to begin in June 2016 and conclude in October 2016.

Ms. Stagg addressed concerns from Commissioners Flanagan and Strandlie regarding the revised language of Development Condition Number 27, saying that the applicant did not object to this revision.

Ms. Stagg addressed concerns from Commissioner Keys-Gamarra regarding the applicant's efforts to comply with the fundraising agreement that had been finalized with the Board of Supervisors in 2008, explaining that the process for raising the necessary funds articulated in this agreement had taken longer than the applicant had anticipated, but noted that the applicant intended to retain the provisions of this agreement. She also pointed out the costs associated with implementing the provisions included in the subject application, but indicated that the applicant intended to supply the remaining funds articulated in the 2008 agreement within a five-year span.

Ms. Stagg addressed concerns from Commissioner Keys-Gamarra regarding the monitoring of the applicant's efforts in ensuring that the fill within the floodplain and the fill dredged from the two on-site ponds would not negatively impact surrounding properties, stating that inspectors

would assess the site during site plan review to monitor the applicant's efforts. She then gave a presentation on the subject application where she explained the following:

- The existing Country Club on the site was approximately 125 acres, had been established in 1963, had a membership that included approximately 650 families, and employed approximately 100 people;
- The subject application would permit multiple site modifications, but would not modify the operation of the Country Club or the existing buildings on the site;
- The subject application would permit grading and dredging within a 100-year floodplain, which would remove significant amounts of soil from this floodplain;
- The existing condition of the stormwater ponds were not sufficiently viable and the subject application would ensure that these ponds would be viable;
- The proposal would restore the banks of the streams on the site to improve their connection to the floodplain and facilitate stormwater drainage;
- The ponds that would be dredged were located on the southeast portion of the site, which was within the existing floodplain;
- The existing stone walls around the ponds would be replaced in conjunction with the dredging process;
- The existing depths of the ponds was approximately two to three feet deep due to the presence of excessive algae;
- The proposal would remove an existing pond on the northeastern portion of the subject property and implement an artificial stream that would connect to an existing channel;
- The applicant would implement filling within certain portions of the existing floodplain and these portions were located to the west of the ponds that would be subject to dredging;
- The existing stream located near holes one and nine on the golf course would be subject to a restoration effort;
- The applicant would implement filling on four additional portions of the site that were not located within the existing floodplain;
- The applicant would remove approximately 18,744 cubic yards of fill from the floodplain and approximately 2,265 cubic yards would be replaced for a total removal of approximately 14,479 cubic yards;

- The applicant would remove approximately 13,307 cubic yards of fill from the existing Resource Protection Area (RPA) on the subject property;
- The applicant intended to balance the amount of fill removed from the site with the amount of fill that was replaced under the proposal;
- The applicant had conducted multiple meetings with representatives of the surrounding community and the Mount Vernon Council of Citizens Association (MVCCA);
- The MVCCA voted to support the proposal, subject to the implementation of the modifications articulated in the memorandum dated February 26, 2016;
- The applicant had been recognized by the National Fish and Wildlife Federation (NFWF) for efforts regarding the preservation of environmental resources;
- The proposal would ensure that the ponds on the subject property would become functional again and would be able to sustain healthy marine life; and
- The majority of the residents of the surrounding community supported the proposal.

(A copy of Ms. Stagg's presentation is in the date file.)

Commissioner Flanagan pointed out that the modifications to Development Condition 27, as articulated in the memorandum dated February 27, 2016, had been submitted because the planned trail that would run along the perimeter of the golf course on the site would be approximately 5,000 feet in length and the cost of such a trail was approximately \$80,000 to \$100,000. He also indicated that the Comprehensive Plan recommended that this trail be approximately four feet wide. Ms. Stagg concurred with these statements, adding that the applicant had coordinated with developers in determining these costs. In addition, Commissioner Flanagan stated that in 2003, the Commission had recommended that the County study the possibility of installing this trail on the other side of Old Mill Road and if a suitable location could not be determined by the MVCCA, then the MVCCA would submit a recommendation on how the funds allocated for this trail would be spent. He then stated that the modifications to Development Condition Number 27, which had been recommended by the MVCCA, were intended to reflect the provisions of the Commission's recommendations from 2003.

When Commissioner Flanagan asked whether the applicant was in agreement with this modification, as articulated in the memorandum dated February 27, 2016, with the subsequent modification for the final sentence that had been suggested by Commissioner Sargeant, Ms. Stagg indicated that the applicant did not object to this modification. Commissioner Flanagan then suggested an additional modification to Development Condition Number 27 that would modify the last part of the last sentence to read, "in consultation with the Mount Vernon District Supervisor and the Mount Vernon Council of Citizens Association." Ms. Stagg did not object to this modification.

Commissioner Flanagan stated that the modified language submitted by MVCCA for Development Condition Number 27, as articulated in the memorandum dated February 27, 2016, was also intended to establish a deadline for the fundraising efforts the applicant was required to fulfill as part of the agreement with the Board of Supervisors in 2008. Ms. Stagg concurred with this statement, confirming that this revised language included a date by which the funds for the trail had to be secured. A discussion ensued between Commissioner Flanagan and Ms. Stagg regarding the recourse for the applicant in the event that sufficient funds could not be secured by the date articulated in Development Condition Number 27 wherein Ms. Stagg indicated that the remaining funds would be provided by the applicant from sources outside fundraising efforts.

Commissioner Flanagan echoed concerns from Commissioner Hart regarding the absence of a timeframe by which the provisions for the dredge soil decanting areas articulated in Development Condition Number 30 were implemented. He then asked whether there were bonds in place that would not be released to the applicant in the event that the final review of these provisions was not sufficient. George Rhodes III, Applicant's Agent/Engineer, Stantec Consulting Services Inc., confirmed that an erosion sediment control performance bond would be submitted to DPWES for the duration of the site plan review process and this bond would be withheld from the applicant until the provisions of Development Condition Number 30 were implemented. A discussion ensued between Commissioner Flanagan and Ms. Stagg regarding the procedure for determining that the provisions of Development Condition Number 30 had been met wherein Ms. Stagg indicated that the applicant had coordinated with DPWES on these procedures to ensure that the necessary provisions were implemented.

Commissioner Migliaccio expressed his support with Commissioner Sargeant's proposed modification for Development Condition Number 27, stating that it improved the clarity of the language.

Commissioner Migliaccio asked whether the applicant would conduct an annual fundraiser in 2016 to raise the funds necessary to fulfill the agreement with the Board of Supervisors secured in 2008 regarding trails. Ms. Stagg indicated that the applicant would conduct such a fundraiser at an unspecified date in 2016.

A discussion continued between Commissioner Hart and Ms. Stagg, with input from Mr. Rhodes, regarding the figures shown on Slide 15 of the applicant's presentation for the cubic yards of fill that would be cut and the cubic yards of fill that would be filled for the RPA and 100-year floodplain under the proposal wherein Mr. Rhodes clarified that the figures for the fill for the 100-year floodplain and the RPA were not intended to be equal to the fill for the entire property and Ms. Stagg indicated that the applicant's engineers voiced no objections to these figures.

Commissioner Hart said that the largest portion of the cost for installing a trail were associated with grade changes and moving utility structures. He then expressed concern about the applicant's estimates for the cost of the necessary trail construction for the area. Ms. Stagg acknowledged that the final cost of this trail could be higher, noting that the estimated cost for the trail had been determined in 2003. A discussion ensued between Commissioner Hart and Ms. Stagg regarding the possibility of modifying this estimate wherein Ms. Stagg indicated that the estimate could not be modified because it had been articulated in the applicant's 2008 agreement with the Board of Supervisors.

Answering questions from Commissioner Ulfelder, Ms. Stagg, Mr. Rhodes, and Paul Van Pelt, Applicant/Title Owner, stated the following:

- The subject property contained an existing body of water prior to the installation of the ponds when the Country Club was constructed in 1967;
- The body of water on which the existing ponds were installed was subsequently expanded when the golf course on the site was expanded in 1968;
- The depth of the ponds at the time of the 1968 expansion on the site was approximately six feet, but this depth had been subsequently reduced to two feet due to the accumulation of fill;
- The existing ponds on the site had not been subject to dredging since their installation;
- The water from the ponds that would be de-watered during the dredging process would be released naturally;
- The de-watering process of the ponds on the site was necessary to accommodate the removal of the accumulated fill;
- The water in the existing pond had been tested for hazardous materials and these tests did not indicate the presence of such materials;
- The results from the tests for hazardous materials for the water in the existing ponds had been shared with the County and the MVCCA's Environmental Committee;
- The tests for hazardous materials for the water in the existing ponds on the site included tests for mercury and the results of these tests did not indicate unsafe levels of this material; and
- The applicant would be required to implement appropriate disposal efforts if tests for hazardous materials revealed excessive amounts of such materials.

When Commissioner Ulfelder asked whether staff had reviewed the results of the applicant's tests for hazardous materials in the water of the existing ponds on the site, Mr. Rogers said that staff had not reviewed these results. Ms. Stagg added that the results of such tests would be reviewed during the site plan review process. Commissioner Ulfelder then noted the importance of these tests and the potential impact the applicant would incur if the results revealed the presence of hazardous materials in the water.

There being no listed speakers, Chairman Murphy called for speakers from the audience.

Louis Michael, 4503 East Marcia Court, Alexandria, stated that his residence was located near the subject property and commended the applicant's management of this property. He aligned

himself with the concerns raised by the Commissioner regarding the impact of draining the existing ponds on the site. Mr. Michael noted the importance of maintaining the ponds, echoing remarks from Mr. Van Pelt regarding the existing condition of these ponds. He also expressed concern about the runoff that these ponds had been subject to since 1960s, the possibility that hazardous materials would be present during the dredging process, and the possibility that these materials would impact his property. Mr. Michael said he did not object to the proposal, but favored additional testing of the water and the fill to ensure that neither contained hazardous materials.

A discussion ensued between Commissioner Flanagan and Mr. Michael regarding the homeowners association that operated in his neighborhood, the support this homeowners association had voiced for the proposal, and Mr. Michael's support of the proposal.

A discussion ensued between Commissioner Flanagan and Ms. Welton, with input from Ms. Stagg, regarding the possibility that runoff from Richmond Highway would flow onto the subject property.

A discussion ensued between Commissioner Flanagan and Mr. Michael, with input from Ms. Stagg, regarding the location of Mr. Michael's property wherein Commissioner Flanagan indicated that his neighborhood's homeowners association was not a member of the MVCCA.

There being no more speakers, Chairman Murphy asked for a rebuttal statement from Ms. Stagg, who declined.

In response to questions from Commissioner Hart, Ms. Welton said the following:

- The review of tests conducted on the site that analyzed the presence of hazardous materials could be articulated in a development condition and staff could conduct additional review of these tests in conjunction with the Fairfax County Department of Health and Human Services;
- The fill that had accumulated in the existing ponds came from multiple sources, including runoff from Richmond Highway;
- The review conducted by staff concluded that the subject application would not incur a negative impact on endangered species; and
- The concerns pertaining to the proposal's impact on endangered species on the site would be addressed by NFWF.

Referring to Page 12 of the Staff Report, Commissioner Flanagan pointed out that the applicant was required to obtain the necessary permits from governmental agencies from which approval was required by Federal or State law. A discussion ensued between Commissioner Flanagan and Mr. Rogers, with input from Ms. Welton, regarding whether the applicant had obtained these permits and whether the obtainment of such permits denoted that the water quality of the drainage system utilized by the applicant was sufficiently managed wherein Mr. Rogers pointed

out that the applicant had submitted a Joint Permit Application to the Army Corp of Engineers and Ms. Welton added that the applicant would coordinate with multiple departments from the State of Virginia to ensure that issues pertaining to water quality were appropriately addressed.

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 Flanagan for action on this case.

(Start Verbatim Transcript)

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

Commissioner Flanagan: Yes. Thank you, Mr. Chairman. Given the fact that the staff has testified, I think that the – all the mechanisms are in place to address the issues of water quality that have been raised here tonight and the other issues. I'm prepared to move on this application this evening and I would – if I can find my motion here – I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT BOARD OF SUPERVISORS APPROVE SEA 97-V-033-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 26, 2016, AS AMENDED TONIGHT BY THE HANDOUT for proffer – FOR CONDITION NUMBER 27.

Commissioners Hedetniemi and Sargeant: Second.

Chairman Murphy: All right. Hold on a minute. Before we do that-

Commissioner Migliaccio: Mr. Chairman?

Chairman Murphy: -let's bring the applicant up here to just agree on the development conditions once again for the record on verbatim.

Commissioner Migliaccio: Mr. Chairman? On that note, with the FRIENDLY AMENDMENT THAT COMMISSIONER SARGEANT AND MYSELF WITH THE MVCCA STRUCK OUT AND REPLACED WITH MOUNT VERNON SUPERVISOR [sic].

Commissioner Flanagan: YES. That's a part of the amendment. I thought we covered that earlier, but-

Commissioner Migliaccio: Just want to make certain. The handout doesn't cover that. Just-

Commissioner Flanagan: Right.

Commissioner Migliaccio: -in referencing that.

Chairman Murphy: Ms. Stagg, have you read and understand the development conditions and agree?

Inda Stagg, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Yes. The applicant does agree to these conditions, as amended tonight.

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

Commissioner Flanagan: Thank you. Okay. So I have that motion. That's the first motion I have.

Chairman Murphy: Is there a second to the motion?

Commissioners Hedetniemi and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Ms. Hedetniemi. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 97-V-033-02, as amended this evening by Mr. Flanagan and the Commission, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: I ALSO MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS REAFFIRM A JULY 2, 2003 BOARD WAIVER OF ZONING ORDINANCE SECTION 17-201, PARAGRAPH NUMBER 2, WHICH WOULD HAVE REQUIRED A PAVED TRAIL ALONG OLD MILL ROAD, AS SHOWN ON THE FAIRFAX COUNTY TRAILS PLAN, AND INSTEAD CONTINUE THE EXECUTION OF THE APPLICANT AND THE BOARD'S SUBSEQUENT JULY 3, 2008 TRAILS FUNDRAISING AGREEMENT NOTED IN DEVELOPMENT CONDITION 27.

Commissioners Hedetniemi and Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Lastly, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS IN SECTION 13-302 OF THE ZONING ORDINANCE IN FAVOR OF THE EXISTING VEGETATION AND BARRIERS SHOWN ON THE SEA PLAT.

Commissioners Hedetniemi and Sargeant: Second.

Chairman Murphy: Same seconds. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Thank you.

Chairman Murphy: That it?

Commissioner Flanagan: That's it, Mr. Chairman.

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(Each motion carried by a vote of 11-0. Commissioner Lawrence was absent from the meeting.)

(End Verbatim Transcript)

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The meeting was adjourned at 9:35 p.m.

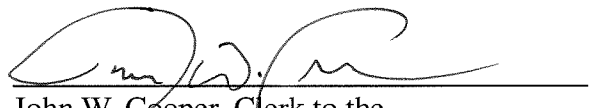
Peter F. Murphy, Chairman

James R. Hart, 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: October 6, 2016



John W. Cooper, Clerk to the
Fairfax County Planning Commission