

Planning Commission Meeting  
February 25, 2010  
Verbatim Excerpt

RZ 2009-MA-011 – WESTLAWN LIMITED PARTNERSHIP  
SEA 95-M-039 – WESTLAWN LIMITED PARTNERSHIP

After Close of the Public Hearing

Vice Chairman Alcorn: Public hearing is closed; recognize Commissioner Hall.

Commissioner Hall: Mr. Chairman, for application Rezoning 2009-MA-011 and SEA 95-M-039, I RECOMMEND THAT WE DEFER DECISION TO A DATE CERTAIN OF MARCH 3RD - -

Commissioner Hart: Second.

Commissioner Hall: - - WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Vice Chairman Alcorn: Seconded by Commissioner Hart. Any discussion? All those in favor of deferring decision only on RZ 2009-MA-011 and SEA 95-M-039, to a date certain of March 3, 2010, with the record remaining open for written comment, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries.

Commissioner Hall: And I would be remiss not to thank both the homeowners' presidents who came out and spoke. I know this is quite a distance from Mason District. I come out here all the time. But thank you. And thank you very much for working with the applicant. Thank you.

Vice Chairman Alcorn: All right. Thank you, Ms. Hall.

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(The motion carried unanimously with Commissioners de la Fe, Harsel, and Murphy absent from the meeting.)

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Planning Commission Meeting  
March 3, 2010  
Verbatim Excerpt

RZ 2009-MA-011 – WESTLAWN LIMITED PARTNERSHIP  
SEA 95-M-039 – WESTLAWN LIMITED PARTNERSHIP  
(Decision Only) (Public Hearing held on February 25, 2010)

During Commission Matters

Commissioner Hall: This evening, I understand that you all have received copies of all the corrections and the proffer statement dated now, March 2<sup>nd</sup>, 2010. And there was an additional comment that I received from my fellow Commissioner about making sure that we limit the possible use of – uses at this particular site, and that we eliminate the possibility of adult book stores being done by-right. Can I ask the applicant to come down and confirm that his client does not have any problems with making that limitation?

Shane Murphy, Esquire, Cooley Godward Kronish LLP: Mr. Chairman, members of the Planning Commission, I am Shane Murphy. I represent the applicant on behalf of Cooley Godward Kronish. Many of you will notice that I am not Tony Calabrese. We will reaffirm. I believe that the issue, Mr. Hart, if I'm not mistaken, was regarding adult video stores –

Commissioner Hart: Right.

Mr. Murphy: – which could be considered a by-right use. And the applicant is willing to find some proffer language that will prohibit video stores from locating in the shopping center.

Chairman Murphy: Okay. Thank you very much.

Commissioner Hall: Thank you very much. We had no problem identifying you as not being Tony Calabrese, not a problem.

Chairman Murphy: It was no reflection on –

Commissioner Hall: I did not say that.

Chairman Murphy: I did.

Commissioner Hall: And this is on verbatim, so let's move along. I did not want this application going forward to the Board with lots and lots of questions. Therefore, it was – the decision was deferred for a week. And I need to thank Tracy Strunk and also Shane for working diligently to resolve all outstanding issues; and then the additional comments from the Commission, all of which have been now incorporated or will be shortly. So here is the motion – the Westlawn Limited Partnership rezoning 2009-MA-011 and SEA 95-M-039. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS

APPROVAL OF REZONING 2009-MA-011, SUBJECT TO THE EXECUTION OF PROFFERS, CONSISTENT WITH THOSE DATED MARCH 2<sup>ND</sup>, 2010.

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 RZ 2009-MA-011, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Abstain. Not present for the public hearing.

Chairman Murphy: Yes. The Chair and Mr. de la Fe abstain. We were not present for the public hearing. Ms. Hall.

Commissioner Hall: Thank you. I further MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 97-M-039 (*sic*), SUBJECT TO THE DEVELOPMENT CONDITIONS, CONSISTENT WITH THOSE DATED MARCH 2<sup>ND</sup>, 2010.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is it 97 or 95?

Commissioner Hall: 95. I apologize.

Chairman Murphy: That's okay. All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND WAIVER OF THE BARRIER TO THE SOUTHWEST ALONG TRIPPS RUN IN FAVOR OF THAT SHOWN ON THE GDP AND SPECIAL EXCEPTION PLAT AND AS PROFFERED.

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. Same abstentions in all the motions.

Commissioner Hall: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER OF THE INTERPARCEL ACCESS TO THE SOUTH ALONG ANNANDALE ROAD.

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: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG ROUTE 50 IN FAVOR OF THAT SHOWN ON THE GDP/SP (*sic*) PLAT.

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: I MOVE THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER OF THE ON-ROAD BIKE LANE ON ROUTE 50.

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: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER OF THE MINOR PAVED TRAIL ALONG TRIPPS RUN.

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: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER OF THE PERIPHERAL PARKING LOT LANDSCAPING ADJACENT TO TAX MAP PARCEL 50-1 17G.

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 I just want to get a clarification from staff that – Would it be at this time that I move that the Planning Commission accept the – not the recommendation, but the offer by the applicant – no, affirmation of the applicant’s willingness to forgo the by-right use for adult video?

Chairman Murphy: Sure.

Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning: Yes. I was going to say you could add with the changes, as accepted by the applicant, in terms of when you ask them about the proffers.

Commissioner Hall: Okay. So, it’s clear. It’s gone.

Chairman Murphy: Okay.

Commissioner Hall: I need a second. And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE PERIPHERAL PARKING LOT LANDSCAPING ALONG ROUTE 50.

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.

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(The motions carried by a vote of 7-0-2 with Commissioners de la Fe and Murphy abstaining;  
Commissioners Alcorn, Flanagan, and Harsel absent from the meeting.)

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