



County of Fairfax, Virginia

December 4, 2014

**2014 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

Janet R. Hall
Secretary
Mason District

James R. Hart
Parliamentarian
At-Large

John Ulfelder
Dranesville District

Earl L. Flanagan
Mount Vernon District

Janyce N. Hedetniemi
At-Large

Ellen J. "Nell" Hurley
Braddock District

John L. Litzenberger
Sully District

Kenneth A. Lawrence
Providence District

James Migliaccio
Lee District

Timothy J. Sargeant
At-Large

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Keith Martin, Esquire
Tramonte, Yeonas, Roberts, & Martin, PLLC
8245 Boone Boulevard, #400
Vienna, Virginia 22182

Re: **SE 2014-MA-015 – AFGHAN ACADEMY INC.**
Mason District

Dear Mr. Martin:

At its December 3, 2014 meeting, the Planning Commission voted 12-0 to **RECOMMEND APPROVAL** on the above-referenced application to the Board of Supervisors. A copy of the verbatim transcript is attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to final decision by the Board of Supervisors.

This action does not constitute exemption from the various requirements of this county and state. The applicant is responsible for ascertaining if permits are required and obtaining the necessary permits such as Building Permits, Residential Use Permits and Non Residential Use Permits. Information concerning building permits may be obtained by calling 703-222 0801.

Sincerely,

Jill G. Cooper, AICP
Executive Director

Attachments (a/s)

cc: Penelope Gross, Supervisor, Mason District
Janet Hall, Planning Commissioner, Mason District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Joseph Gorney, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
December 3, 2014 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.



Planning Commission Meeting
December 3, 2014
Verbatim Excerpt

SE 2014-MA-015 – AFGHAN ACADEMY INC.

Decision Only During Commission Matters
(Public Hearing held on October 30, 2014)

Commissioner Hall: I do have something. You know I have this handy dandy device here and – don't put this on the record because I'm not talking about it. Anyway, I had a wonderful statement to talk about – that this application is fully in compliance with all the ordinances and it's perfectly legitimate. And I will make a statement for the record once I find it. But I really don't want you all sitting here all night waiting for me to find it because it's perfectly legal with what is being proposed. And with that, the reason you're all here smiling and anxiously looking at me is you're ready for me to say I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-MA-015, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 3RD, 2014.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Do you have to call them down to agree with the-

Commissioner Hart: Yes, that's what – get them to approve the new – see if he's in agreement with the conditions.

Commissioner Hall: I was going to have them do that after I started that.

Chairman Murphy: Okay. Go ahead.

Commissioner Hall: But – well, that was the first one.

Chairman Murphy: Go ahead.

Commissioner Hall: Okay, would you – would the applicant's representative, Mr. Martin-

Chairman Murphy: Mr. Martin, come on down.

Commissioner Hall: I got there. You just – you're rushing.

Chairman Murphy: Well I know your time is short on the Commission. I want to make sure you get it all in.

Commissioner Hall: I'm a short-timer.

Keith Martin, Applicants Agent, Tramonte ,Yeonas, Roberts, & Martin, PLLC: I'm going to miss you, Ms. Hall.

Commissioner Hall: Yes you are. You're familiar with the new development conditions and do you confirm-

Mr. Martin: We totally agree with them.

Commissioner Hall: -whatever you need to do.

Mr. Martin: Yes.

Commissioner Hall: Okay. Is that good enough?

Chairman Murphy: Yes, just identify yourself for the record we know you-

Mr. Martin: Keith Martin, for the record.

Chairman Murphy: Thank you very much. Okay, Ms. Hall.

Commissioner Hall: Did you not want to work on that first motion that I said?

Chairman Murphy: You already did.

Commissioner Hall: Oh.

Commissioner Hart: We just haven't voted.

Commissioner Hall: You haven't voted.

Chairman Murphy: Oh, all those in favor of the motion-

Commissioner Hall: Thank you.

Commissioner Lawrence: Mr. Chairman.

Chairman Murphy: to recommend to the Board of Supervisors to approve SE – Mr. Lawrence.

Commissioner Lawrence: Just a point of clarification. I was not present for the public hearing, but I reviewed the video on this one so I feel confident to vote.

Chairman Murphy: Okay. All those in favor of the motion to approve SE – to recommend to the Board of Supervisors to approve SE 2014-MA-015, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE FOLLOWING WAIVER:

- WAIVER OF THE PROVISION OF A SERVICE DRIVE, IN LIEU OF THE INTERNAL TRAVEL AISLE;
- MODIFICATION OF THE 40-FOOT BUILDING SETBACK FROM ANY LOT LINE THAT ABUTS AN R-A THROUGH AND R-4 DISTRICT, TO PERMIT THE BUILDING TO BE LOCATED 35.8 FEET FROM THE NORTHERN LOT LINE – 25.5 FEET FROM THE EASTERN LOT LINE, IN FAVOR OF THE TRANSITIONAL SCREENING AND ARCHITECTURAL TREATMENT, AS SHOWN ON THE PROPOSED PLAT AND AS CONDITIONED;
- MODIFICATION OF THE BARRIER REQUIREMENT ALONG THE EASTERN LOT LINE, TO ALLOW WELDED METAL FENCING AS A BARRIER MATERIAL.

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.

Commissioner Hall: Thank you, Mr. Chairman. I would love to also thank the Afghan Academy. I know this has not been easy. I know that – maybe people were not on their best behavior and they should've been. And I wish you best of luck on your application. Thank you very much.

Chairman Murphy: Yes. Just let me add – I think that during the public hearing – I think the whole public hearing – not the Planning Commission's role in the public hearing come off-track a little bit. And I apologize for that, but that's bound to happen. But as you can see from the motion that Ms. Hall made that the motion to approve your application was based strictly on land use considerations. And that's why you were here and that's what the application was all about. So thank you for your patience and thank you for coming tonight.

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(Each motion carried by a vote of 12-0.)

JLC



County of Fairfax, Virginia

November 21, 2014

**2014 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

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8245 Boone Boulevard, #400
Vienna, Virginia 22182

Re: **SE 2014-MA-015 – AFGHAN ACADEMY INC.**
Mason District

Dear Mr. Martin:

At its November 20, 2014 meeting, the Planning Commission voted 11-0 (Commissioner Migliaccio was absent from the meeting) to **DEFER THE DECISION ONLY** on the above-referenced application to a date certain of December 3, 2014. A copy of the verbatim transcript is attached.

Sincerely,

Jill G. Cooper, AICP
Executive Director

Attachments (a/s)

cc: Penelope Gross, Supervisor, Mason District
Janet Hall, Planning Commissioner, Mason District
Catherine A. Chianese, Assistant County Executive, County Executive Office
Joseph Gorney, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
November 20, 2014 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.



Planning Commission Meeting
November 20, 2014
Verbatim Excerpt

RZ 2012-MV-015 – MCSHAY COMMUNITIES INC.

During Commission Matters

Commissioner Flanagan: Thank you, Mr. Chairman. Mine – the applicant, McShay Communities, has requested a decision only deferral to a date certain of December 3 to include proffer changes being made to two recommendations proposed by the South County Federation and one additional change proposed by staff. I, THEREFORE, MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT, FOR RZ 2012-MV-015, TO A DATE CERTAIN OF DECEMBER 3, 2014.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Litzenberger [sic]. Is there a discussion of the motion? All those in favor of the motion to defer the public hearing [sic] on RZ 2012-MV-015 to a date certain of –

Commissioner de la Fe: Decision.

Commissioner Hall: Decision only.

Chairman Murphy: -decision only, I'm sorry – 015, to a date certain of December 3rd, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

JLC



County of Fairfax, Virginia

November 3, 2014

**2014 Planning
Commission**

Peter F. Murphy
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Springfield District

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Hunter Mill District

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8245 Boone Boulevard, #400
Vienna, Virginia 22182

Re: **SE 2014-MA-015 – AFGHAN ACADEMY INC.**
Mason District

Dear Mr. Martin:

At its October 30, 2014 meeting, the Planning Commission voted 10-0 (Commissioners Flanagan and Lawrence were absent from the meeting) to **DEFER THE DECISION ONLY** on the above-referenced application to a date certain of November 20, 2014. A copy of the verbatim transcript is attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to final decision by the Board of Supervisors.

This action does not constitute exemption from the various requirements of this county and state. The applicant is responsible for ascertaining if permits are required and obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,

Jill G. Cooper, AICP
Executive Director

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Janet Hall, Planning Commissioner, Mason District
Catherine A. Chianese, Assistant County Executive, County Executive Office
Joseph Gorney, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
October 30, 2014 date file

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Planning Commission Meeting
October 30, 2014
Verbatim Excerpt

SE 2014-MA-015 – AFGHAN ACADEMY INC.

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; Ms. Hall.

Commissioner Hall: As I mentioned at the beginning of this hearing – I was going to turn the button on. As I mentioned at the beginning of this hearing, I was going to be deferring this application to allow Mason District time to get some additional information as it deals with these legal issues. So I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SPECIAL EXCEPTION 2014-MA-015 TO A DATE CERTAIN OF NOVEMBER 20TH, 2014, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer decision only on SE 2014-MA-015 to a date certain of November 20th with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 10-0. Commissioners Flanagan and Lawrence were absent from the meeting.)

JN