



County of Fairfax, Virginia

June 23, 2016

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Zoning Evaluation Division

**2016 Planning
Commission**

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John W. Cooper
Clerk to the Commission

Grayson P. Hanes, Esquire
Reed Smith, LLP
3110 Fairview Park Drive, Suite 1400
Falls Church, VA 22042

**Re: SE 2015-MV-019 – Charles County Sand & Gravel Company, Inc.
Mount Vernon District**

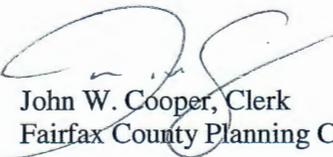
Dear Mr. Hanes:

At its June 16, 2016 meeting, the Planning Commission voted 6-4 (Commissioners Hedetniemi and Lawrence were absent from the meeting) to **RECOMMEND APPROVAL** of 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,



John W. Cooper, Clerk
Fairfax County Planning Commission

Attachments (a/s)

cc: Daniel Storck, Supervisor, Mount Vernon District
Earl Flanagan, Planning Commissioner, Mount Vernon District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Mary Ann Tsai, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
June 16, 2016 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.

Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035
703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)
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SE 2015-MV-019 – CHARLES COUNTY SAND & GRAVEL COMPANY, INC.

During Commission Matters

Commissioner Flanagan: Thank you, Mr. Chairman. On February 25, the Planning Commission heard testimony requesting approval for a concrete batching plant as a special exception which is split-zoned I-6 heavy industrial and R-1 is on Gunston Cove Road in the Mount Vernon District. Although the concrete batching plant would be located on the I-6 zoned portions of the site, use is not permitted by-right. The lot is one of six lots zoned for I-6 on Gunston Cove Road and is bordered by land on east and west zoned residential next to I-95 and Lorton Market Street. Three of these lots are industrial uses enclosed in industrial/flex buildings. Three lots are vacant, two of which are forest with mature trees. Since the public hearing, I have reviewed the public testimony and three follow on events suggested by the Commissioners. The first was a request that the South County Land Use Committee and Federation reconsider their 2015 resolution recommending denial since it was adopted nine months before the staff report was published. You have received the recent South County Federation resolution reaffirming that prior recommendation of denial but now based upon the staff report and testimony during the public hearing. The second Commission suggestion was that the South County Land Use Committee and the Federation recognize that a potential by-right junkyard would be worse than a not by-right concrete batching plant. I have since been informed by the South County Land Use Committee and the Federation that there are now two junkyards in the same Comprehensive Plan Sector LP-2, Unit F, land bay which is along Richmond Highway, south of the proposed concrete batching plant. Both sites are screened by 8-foot high fences. One is also attractively landscaped. Junk at neither site is visible from the highway since junk or equipment in junkyards are not high enough or easily seen as are concrete batching plant facilities. No constant dust is generated. No constant noise is generated. No existing residential buildings overlook these two junkyards. The reason? Junkyards are better regulated than concrete batching plants. Zoning Ordinance Section 5-605.4 states "In addition to the regulations of this Ordinance, junkyards shall be subject to the provisions of Chapter 21 of The Code, Automobile Graveyards." Also, few of the thirty-two I-6 by-right uses are heavy industrial. Twenty-two, such as child care centers, churches, contractors' offices, etc. are commercial. Only six, such as junkyards, recycling, open storage, etc. are industrial; and the remaining four for recreation facilities, bus terminals, barns, repair shops, and public utilities are public uses. The Federation has no objection to using the applicant's site for any of these thirty-two by-right uses, neither do I, nor does Supervisor Storck. Finally, there was a Commission question about text in the Comprehensive Plan that lists concrete batching plants as a current planned use. It is true that text mentions a concrete batching plant as an existing use, but it is equally true that the plan does not recommend concrete batching plants as future infill, redevelopment or development. The third paragraph on page 22 (sic) also plans the area with the existing concrete batching plant as "a mixed industrial/office park" defined as "2 or more industrial buildings." The existing concrete batching plant – plant is now planned for only those industrial uses that can be enclosed in buildings. In any event, the above considerations are somewhat moot since any special exception request may be in harmony – must be in harmony, the operation verb there is "must", must be in harmony with eight general standards in Zoning Ordinance Section 9-006, the first three of which say – the first three of which require – the proposed use shall be in harmony with the Comprehensive Plan. Second requires the proposed use shall be in harmony with the purpose and intent of the Zoning Ordinance standards. And the third one requires the proposed use shall be harmonious with neighboring properties. Standard

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one above requires “the proposed use at the specific location shall be in harmony with the adopted Comprehensive Plan.” So what does the Comprehensive Plan say? The Comprehensive Plan on page 66 for LP-2 Sector is crystal clear. To be in harmony with the Comprehensive Plan, any special exception industrial use application for infill – “infill, redevelopment and new development in this area should be industrial flex/office and related commercial uses.” A concrete batching plant is none of these planned uses. Industrial/flex, as only defined in the Zoning Ordinance, is “any structure occupied by two (2) or more of the following uses: contractor’s offices and shops, establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products, warehousing establishments, wholesale trade establishments and offices.” In addition, the Plan on page 92 once again clearly requires that any special exception “uses envisioned for this area include industrial/flex space uses, retail and other related business and employment uses.” After legal advice, I am satisfied that the use of the word “include” does not weaken the definition – the definitive plan recommendation on page 66 of the Comprehensive Plan that infill, redevelopment and new development in this area should be only industrial/flex, office, and related commercial uses. Plan page 92 also states “Industrial uses adjacent to residential and other non-industrial uses should be enclosed, effectively buffered and set back to minimize use conflicts.” There is also un-rebutted testimony with subsequent photos that clearing – clearly show residential neighborhoods overlooking the proposed concrete batching site. The vacant I-6 treed lot providing a summer buffer will eventually be clear-cut when developed, thus, exposing all the industrial buildings in that area to the residential developments that are in a higher elevation next door. Further, the applicant is asking for waivers of several transitional screening requirements, as well as a barrier requirement. It is abundantly clear to me that the proposed concrete batching plant isn’t in agreement with the Comprehensive Plan text on page 66 and the zoning laws of Fairfax County. The Zoning Ordinance is law which Commissioners are sworn to uphold. The Commission isn’t supposed to make decisions based upon the likes and dislikes of people. We make recommendations based upon the law and the Comprehensive Plan. The applicant has also met with Supervisor Strock at their request. He has offered to help the applicant find a site that complies with the Comprehensive Plan. In summary, the application for a special exception is:

1. Not in harmony with the Comprehensive Plan text recommendations that “infill, redevelopment and development should be industrial/flex, office or commercial uses”;
2. Not in harmony with the Zoning Ordinance definition that industrial/flex uses be in a structure;
3. Not in harmony with the neighborhood properties to the north and south that are all industrial/flex, retail or other related commercial uses in enclosed buildings; and
4. Not in harmony with neighboring residential properties not being “enclosed, effectively buffered and set back to minimize use conflicts.”

Therefore, Mr. Chairman, I’m left with nothing but to **MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE APPLICATION BE DENIED BY THE BOARD OF SUPERVISORS.**

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Commissioner Sargeant: Second.

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

Commissioner Hart: Mr. Chairman.

Chairman Murphy: Mr. Hart.

Commissioner Hart: Thank you. As should be apparent to everyone, we're not all going to agree with each other on every case. And I think that – that the planets have been aligned till last couple of nights. I'm going to support the staff recommendation rather than Commissioner Flanagan's motion. This is a very challenging site. It's already zoned I-6 which allows for, I think, some of the worst or least desirable uses in the Ordinance as a matter of right and those include things like junkyards and storage yards, manufacturing facilities, lumberyards, heavy equipment repair and servicing, and generally things that people don't want to see or don't want to be near. We have a site also that is bordered on one side by I-95 and the railroad tracks on the other and, I think, knowing everything that we know, it's unrealistic to expect that there would be many upscale type uses or even, perhaps, office flex uses that would be on a noisy site like that, in a location like that. We instead have an applicant that seems to be reputable corporate citizen in Maryland that wants to come here and build a facility, and pay taxes, and employ people, and have this use that would support construction and redevelopment and other things that we need in a County. Sometimes we have to use our common sense in making recommendation to the Board and part of our overall mission, I think, is to advise the Board where and when industrial uses are appropriate. Many times when we see industrial uses these days or we see the topic of industrial use, it is a plan amendment to delete industrial use. We have less of it and there – there is pressure sometimes from neighboring residential areas to delete the industrial. We also have the Comprehensive Plan. I think that contemplates in makes of commercial, residential, and industrial to support the tax base and that becomes more acute a problem every year with the budgets. And every time we delete industrial, and don't have industrial puts that much more pressure on everything else. We have a site also that's adjacent to this where the Board approved a similar but somewhat larger concrete batching plant just a few years ago. In my view, the staff recommendation, the staff analysis is correct. This is appropriate use of this site. I think also it's more likely that if – if – if an SE use is denied on a site like this, a by-right use would go in, whatever that may be, and that's less likely to support the goals and objectives of the gateway language in the Comprehensive Plan. If we can't put a concrete batching plant on an I-6 site in Lorton between I-95 and the railroad tracks, we're not going to find a place in the County where it can be supported. I think that staff is correct and I'm not going to support the motion. Thank you.

Commissioner Flanagan: Mr. Chairman.

Chairman Murphy: Yes, Mr. Flanagan.

Commissioner Flanagan: Yes, I would just like to comment upon a couple of the observations of a lawyer who does this very well. And that is that – the – the heavy industrial... I was really shocked. I read the I-6 thirty-two uses that aren't heavy industrial because in any other jurisdiction those are the light-industrial. I come from, you know, the Chicago area and heavy

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industry in Chicago is a steel mill or an oil refinery, or a foundry or something that really is heavy industry. The – these – there is only six heavy industry uses that are permitted in the I-6 area. Only six. All the rest are commercial or public uses. So there really is nothing to fear. The community is not afraid of allowing any of those uses, you know, to – to be there. The – there was just one comment that you made that I'd like to comment upon.

Chairman Murphy: Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. Again, I will be brief. I concur with the comments of Commissioner Hart. The two lots to the south are zoned industrial I-6, as are the three lots to the north and, as noted, to the west is Interstate 95, to the east are the CEX rail tracks. This is an appropriate site for this use and I will vote against the proposed denial.

Commissioner Flanagan: Mr. Chairman.

Chairman Murphy: Yeah.

Commissioner Flanagan: I just want to point out. Those industrial uses to the south and the north are industrial flex that do comply, you know, with the Comprehensive Plan. This use does not. Concrete batching plants are not a permitted use.

Chairman Murphy: Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. A couple of – a couple of comments. Commissioner Hart's comments about the obvious likelihood of locating a concrete batching plant in – in this area presupposes that Lorton remains the only site for that type of use or one of the few sites left. I understand that and that's part of the challenge that – that – that community residents have – community residents have when we plan for the future of this area. It is mindful that when it is considered at a construction debris landfill to remember the special exceptions and amendments that have been considered or needed because it was zoned residential. So it is an interesting challenge that the community faces as it decides its future and how to plan for its future. The community through its – as you see in the – in the Comprehensive Plan language did not completely rule out any sorts of industrial use but it did say and suggest strongly that, as it transitions to the future, industrial flex would be preferred. I think that's rather significant in what they envision. The previously approved concrete batching plant is not there. So, and, as we talked a lot about transition last night and about the strength of the Comprehensive Plan, we give that credence here tonight in terms of what's envisioned for that sight and, going beyond the usual discussion of gateway, it does reference industrial/flex, and that's what the community has referenced as a possible preference for this site. Thank you.

Chairman Murphy: Further discussion? Of yes, I'm sorry. Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. I plan to vote against this motion as well. I visited the site earlier on. It's been some time since we first had this on our plate. And the fact is it's over half a mile from the intersection with Lorton Road. It's on the road that is now a dead-end road because of the fact the bridge over the rail trucks is gone. At the – further on beyond this site is a rather large distribution center with semis and trailers parked there and going, I

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assume, in and out on a some regular basis and I also drove over to the other side of the tracks and, frankly, a number of the residential buildings over there are angled in a way where you're not really looking directly at the site. They are over 400 feet away many and even further for some of them. And – and, as I say, the railroad tracks are in between, plus some other land on both sides of the tracks. And I – I agree with my colleagues comments that if you couldn't put this kind of facility there, where could you put it? And it is zoned I-6, it's a – a – and it's an appropriate use and it will be entirely sited on the I-6 portion of the property as it has to be. And for that reason I can't support the motion.

Commissioner Flanagan: Mr. Chairman.

Chairman Murphy: Yes.

Commissioner Flanagan: Yes, I appreciate the comments made by Commissioner Ulfelder. The distinction here, in this application, is that there is uses that are by-right. In this particular case it's a special exception application which requires that it conform to the text in the Comprehensive Plan. The text in the Comprehensive Plan does not recommend concrete batching plants. So in order to be – that's the law and I swore when I took my oath of office to uphold the law and that's why I'm taking position that I take tonight in my motion.

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Mr. Chairman, I'm going to support Mr. Hart's motion. Mr. Flanagan, I think throwing that language that you've just threw out to fellow Commissioners is not helpful to your cause or moving forward cause we all took the same oath, we all interpret things differently, we all are here to vote the way that we see fit and we're agreeing with staff, those that do not support your motion, so... Thank you, Mr. Chairman.

Chairman Murphy: Further discussion? Yeah, I looked at this from all the sides. As a matter of fact, I went down there twice after the public hearing was differed. And the part that bothers me is the Comprehensive Plan language. It – it specifically states "concrete batching plant." Now, if I wanted to put a concrete batching plant in in Fairfax County where I can best serve the construction needs of the County and I looked in the Comprehensive Plan, and I read that on the I-6 site which has several I-6 sites near it or abutting it, and I read that a concrete batching plant was in the Comprehensive Plan as an accepted use, and I filed an application for a concrete batching plant as a special exception with development conditions that would make it a better concrete batching plant than just putting a concrete batching plant in, and then someone made the motion to deny it, I don't think that's the way the Comprehensive Plan should work. I understand that the citizens in the Lorton area, you know, we had a prison, we had a burned facility. We had all those things and we've gotten rid of – we still have the burned facility and a lot of improvements have been made down there and I was on the cusp of making some of those improvements with the first really upscale development in the Lorton area, which was Crosspointe back in the early 90s which gave that community an uplift with – with residential and then – now we have a town center, we have this, we have that. So it's really quite an effective community now, well-planned, well-flood out. But still we have these industrial uses down there. And I think that the conception that these – these sites are going to be for flex office is a dream. I just don't think that that's going to happen. I think it's going to stay I-6, something

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else is going to go in there, it's not going to be good for the community. This will be good for the community because at least it has development conditions that ameliorates the impact and is in the Comprehensive Plan as an accepted use on this site. So I intend to vote against this application cause I don't think, you know, it would be in conformance with the Comprehensive Plan.

Commissioner Flanagan: Mr. Chairman.

Chairman Murphy: Yeah.

Commissioner Flanagan: I would challenge you to show me the Comprehensive Plan where it says batching plants is an acceptable use.

Chairman Murphy: It says – it's – it's in there. Isn't that right Mr...?

Commissioner Flanagan: No.

Chairman Murphy: Doesn't say Comprehensive – on that site?

Commissioner Flanagan: You raised this – you raised this point on the public hearing and in my – in my motion – I addressed the question that you raised at that time.

Chairman Murphy: Okay, well, I feel it is.

Commissioner Flanagan: The – and I would also like to say that, previously, when we had issues coming up with Tysons Corner, we were greatly distressed on another application that has proposed a dog park in Mount Vernon where the applicant was asking for a special permit that didn't agree with the Comprehensive Plan. And both Commissioner Hart and Commissioner Lawrence, both cautioned the – the Commission to be aware of not complying, not conforming with the Comprehensive Plan on special exceptions because you once you – you abandon that, it's a slippery slope from later on.

Chairman Murphy: All right. Anyone else? I just go to the staff conclusion that the concrete batching plant is proposed on property located in one of the two recognized industrial areas. It's in the Plan. All those in favor of the motion to deny this application, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners: Nay.

Chairman Murphy: Nay. Motion fails. Would you like a division? The division start. Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: I support his motion.

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Chairman Murphy: Yes, okay.

Commissioner Strandlie: Nay.

Chairman Murphy: Nay.

Commissioner Flanagan: Yes.

Chairman Murphy: Yes.

Commissioner de la Fe: Yeah.

Chairman Murphy: Yes.

Commissioner Hart: Nay.

Chairman Murphy: Nay.

Commissioner Sargeant: Yes.

Chairman Murphy: Yes.

Commissioner Migliaccio: Nay.

Chairman Murphy: Nay.

Commissioner Hurley: Nay.

Chairman Murphy: Nay.

Commissioner Ulfelder: Nay.

Chairman Murphy: Nay. And the Chair votes nay. And the motion fails. Six to four. Four to six.

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Commissioner Hart: Mr. Chairman.

Chairman Murphy: Mr. Hart.

Commissioner Hart: Thank you. I have a motion but before I make the motion, can I ask Mr. Hanes to come back to the podium.

Grayson Hanes, Esquire, Reed Smith LLP: For the record, Grayson Hanes, a firm of Reed Smith.

Commissioner Hart: Mr. Hanes, have you read and reviewed the development conditions dated March 8, 2016, and does your client understand and agree with those conditions?

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Mr. Hanes: I have, the client agrees with this and I agree with this as their attorney.

Commissioner Hart: Thank you. Mr. Chairman, I RECOMMEND THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2015-MV-019, SUBJECT TO THE APPROVAL OF THE PROPOSED DEVELOPMENT CONDITIONS DATED MARCH 8, 2016, AND APPROVAL OF A MODIFICATION OF SECTIONS 13-303 AND 13-304 OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS TO THAT SHOWN ON THE SE PLAT.

Chairman Murphy: Is there a second?

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2015-MV-019, say aye.

Commissioners: Aye.

Chairman Murphy: Aye. Opposed?

Commissioners: Nay.

Chairman Murphy: It's the same division?

Commissioner de la Fe: Same division.

Commissioner Hart: Yeah.

Chairman Murphy: Okay, motion carries. Thank you very much.

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(The motion to recommend denial of SE 2015-MV-019 fails by a vote of 4-6. The motion to recommend approval SE 2015-MV-019 carried by a vote of 6-4. Commissioners Hedetniemi and Lawrence were absent from the meeting.)

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PROPOSED DEVELOPMENT CONDITIONS

SE 2015-MV-019

March 8, 2016

If it is the intent of the Board of Supervisors to approve SE 2015-MV-019 located at Tax Map 107-4 ((1)) 62A part, to allow a heavy industrial use (concrete batching plant) pursuant to Sects. 5-604 and 9-511 of the Zoning Ordinance, staff recommends that the Board of Supervisors condition its approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferrable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. A copy of the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This Special Exception is subject to the provisions of Article 17 of the Zoning Ordinance, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Gunston Cove Road," was submitted by Dewberry Consultants LLC and consists of nine sheets dated March 2015 and revised through August 20, 2015, and these conditions.
5. The site plan for the concrete batching plant shall include both the I-6 and R-1 portions of the subject property.
6. The applicant shall dedicate at no cost and conveyance in fee simple with no encumbrances to the Board of Supervisors right-of-way up to 15 feet from the center line of Gunston Cove Road for tax map 107-4 ((1)) 62A part (including both the R-1 and I-6 portions of the property) prior to site plan approval. The applicant retains density credit as may be permitted in Par. 4 of Sect. 2-308 of the Zoning Ordinance.
7. The hours of operation for the concrete batching plant shall be from 4:30 a.m. to 8:00 p.m. Monday through Saturday and from 7:00 a.m. to 5:00 p.m. on Sunday with the exception of specific night pours or emergency work that may include work for public agencies, which may occur outside the hours of operation. When

operating outside the hours of operation, when feasible, the applicant shall provide notification to the Mount Vernon District office at least one business day prior to such work or one business day following the start of such work. The applicant shall provide to the Mount Vernon District Office the following information: nature of work, hours of pour, quantity of pour, and expected number of trucks to be in use.

8. No vehicle major service work shall be permitted on the subject property.
9. The concrete batching plant shall be a maximum of 40.5 feet in height.
10. The concrete batching plant silo and shop/office building shall be painted a shade of tan to mitigate the visual impact and blend with surrounding trees and foliage.
11. To the extent feasible, solid surfaces of the concrete mixing plant shall be shielded with fabricated buffer shields or similar shields to mitigate plant noise. Areas where such shields shall be placed and a demonstration of noise mitigation shall be provided to the Department of Public Works and Environmental Services (DPWES) at the time of site plan submission.
12. The outdoor storage of aggregate material shall be located on a concrete slab and enclosed on three sides.
13. A dust collector system shall be used to reduce dust to and from the concrete batching plant. The applicant shall demonstrate the mitigation of dust and noise from the dust collector at the time of site plan submission to the Department of Public Works and Environmental Services at the time of site plan submission.
14. Prior to the issuance of a Non-Residential Use Permit (Non-RUP) for the concrete batching plant, a truck washout area shall be installed in the area shown on the Special Exception Plat. All trucks leaving the property shall be rinsed in the washout area. The washout system shall include a system to treat and dispose of wastewater to address discharge waters with high pH levels.
15. White noise backup alarms designed to direct sound specifically to the back of the truck shall be installed on the applicant's concrete mixing trucks and shall be used instead of backup alarms that produce a "beep, beep" sound.
16. Concrete mixing trucks shall be parked on-site at all times and not on Gunston Cove Road.
17. The maximum number of employees and company vehicles (concrete mixing trucks) shall be coordinated to ensure compliance with the parking requirements in Article 11 of the Zoning Ordinance.

18. The above-ground fuel storage tank shall be subject to applicable Federal, State, and County regulations for hazardous and/or toxic substances that generate, utilize, store, treat, and/or are disposed of as set forth in applicable federal, state, and local regulations.
19. To the extent feasible, the applicant shall use building materials that have been produced or manufactured within 500 miles of the subject property and shall provide proof of installation and invoice receipts, with manufacturer's data showing the production or manufacturing location to the Chief of the Environment and Development Review Branch in the Department of Planning and Zoning prior to the issuance of a Non-Residential Use Permit (Non-RUP).
20. The applicant shall install only LED or fluorescent lamps in all interior building lighting fixtures. The applicant shall provide a maximum lighting power allowance of 1.25 watts/square foot (code maximum is 1.5 watts/square foot for retail area and 0.9 watts/per square foot for the service department area). The applicant shall provide proof of installation, energy usage calculations and manufacturers' product data to the Chief of the Environment and Development Review Branch in the Department of Planning and Zoning prior to Non-RUP.
21. The applicant shall use low-emitting materials for all adhesives, sealants, paints, coatings, flooring systems, composite wood, and agrifiber products, as well as furniture and furnishings if available. Low-emitting is defined according to the following table (again written for the specific case):
- | | |
|-----------------------------------|----------------------------|
| • Application | (VOC Limit g/L less water) |
| • Carpet Adhesive | 50 |
| • Rubber floor adhesive | 60 |
| • Ceramic tile adhesive | 65 |
| • Anti-corrosive/ anti-rust paint | 250 |
| • Clear wood finishes | 350 |

Prior to final construction bond release, the LEED-AP, who is also a professional engineer or licensed architect, shall submit a certification statement including supporting documentation confirming that the green building elements listed above have been incorporated into the design and construction of the building. Concurrence and acceptance of the certification statement by the Chief of the Environment and Development Review Branch in the Department of Planning and Zoning shall be provided to the LEED-AP prior to final construction bond release.

22. The applicant shall install motion sensor faucets and flush valves and ultralow-flow plumbing fixtures that have a maximum water usage as listed below.

Prior to final construction bond release, the LEED-AP, who is also a professional engineer or licensed architect, shall submit a certification statement including

supporting documentation as detailed below, confirming that the green building elements listed below have been incorporated into the design and construction of the building. Concurrence and acceptance of the certification statement by the Chief of the Environment and Development Review Branch in the Department of Planning and Zoning shall be provided to the LEED-AP prior to final construction bond release.

- Water Closet (gallons per flush, gpf) 1.28
- Urinal (gpf) 0.5
- Showerheads (gallons per minute, gpm*) 2.0
- Lavatory faucets (gpm**) 1.5
- Kitchen and janitor sink faucets 2.20
- Interior metering faucets 0.25

* When measured at a flowing water pressure of 80 pounds per square inch (psi).

** When measured at a flowing water pressure of 60 pounds per square inch (psi).

23. The applicant shall demonstrate to the Chief of the Environment and Development Review Branch in the Department of Planning and Zoning that the concrete batching plant has been designed and could qualify as part of the National Ready Mix Concrete Associations' Green Star Certification Program prior to issuance of the Non-RUP.
24. The landscape plan to be submitted at the time of site plan submission for approval by the Urban Forest Management Division and shall include an invasive species control narrative for specific control measures of undesirable plant species found within the existing trees to remain areas along the northern, western, and eastern property lines. All reasonable efforts shall be made to lessen the impacts of crowding and shading by invasive plant species such as *Pueraria montana* var. *lobata*-kudzu vine within the 10-year tree canopy credit areas and existing trees to remain and shall include but not limited to the following language:
- A. Any application of environmentally sensitive approved herbicides shall be applied by a Virginia Department of Agriculture and Consumer Services-Office of Pesticide Services-Commercial Certified Applicator or Registered Technician.
- B. Kudzu Vines: Remove from trees by cutting all vines at ground level. Vines shall be cut again several feet up the trunk. Pull ground vines a few feet from the base of the tree to slow regrowth up the tree trunk. Remove ground vines 3-4 times per year and applying a systemic herbicide. Retreatment will be necessary for complete eradication. Employing a combination of methods often yields the best results and may reduce potential impacts to native plants, animals and people.

Chemical

Two of the more widely used systemic herbicides are glyphosate and triclopyr. Triclopyr comes in two forms – triclopyr amine (e.g., Garlon® 3A, Brush-B-Gone®, Brush Killer®) and triclopyr ester (e.g., Garlon® 4, Pathfinder®, and Vinex®). The amine and ester forms are very different products with specific uses, hazards and precautions. For this reason, whichever is used shall only be used by trained and certified applicators who are familiar with this hazard and know the precautions that need to be taken when using it.

- C. Tree of Heaven: Elimination of tree of heaven requires diligence, due to its abundant seed production, high seed germination rate, and vegetative reproduction. Follow-up monitoring and treatment when needed shall be an integral part of any serious ailanthus management program. Regardless of method selected, treated areas shall be rechecked one or more times a year and any new suckers or seedlings treated (cut, sprayed or pulled) as soon as possible, especially before they are able to rebuild root reserves. Establishing a thick cover of trees (non-invasive and preferably native) or grass sod will help shade out and discourage establishment of ailanthus seedlings. Targeting large female trees for control will help reduce spread of ailanthus by seed.

Chemical

The most effective method of ailanthus control is through the use of herbicides, which may be applied as a foliar (to the leaves), basal bark, cut stump, or hack and squirt treatment. While it is relatively easy to kill the above ground portion of tree of heaven, you need to kill or seriously damage the root system to prevent or limit stump sprouting and root suckering.

- D. Invasive species control shall be conducted until bond release.
25. Tree Preservation Fencing. All trees shown to be preserved on the Tree Preservation Plan shall be protected by tree protection fencing during the period of construction. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart, or super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading as shown on the SE Plat.
26. A Phase I archaeological study shall be conducted at least 30 days prior to any land disturbing activities on the subject property for the areas of the property that are to undergo ground disturbing activities and previously were unsurveyed. If significant sites are found, a Phase II study shall be undertaken to determine

eligibility for inclusion into the National Register of Historic Places. If sites are found eligible, avoidance or a Phase III data recovery shall be undertaken.

27. The landscaping and barrier, specifically along Gunston Cove Road, shall be in accordance with that shown on the SE Plat.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the Non-RUP through established procedures, and this Special Exception shall not be valid until this has been accomplished.

The approval of this special exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exceptions shall automatically expire, without notice, thirty (30) months after the date of approval. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.



County of Fairfax, Virginia

May 27, 2016

**2016 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
At-Large

Ellen J. "Nell" Hurley
Braddock District

John Ulfelder
Dranesville District

James Migliaccio
Lee District

Julie Strandlie
Mason District

Earl L. Flanagan
Mount Vernon District

Kenneth A. Lawrence
Providence District

Karen Keys-Gamarra
Sully District

Janyce N. Hedetniemi
At-Large

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

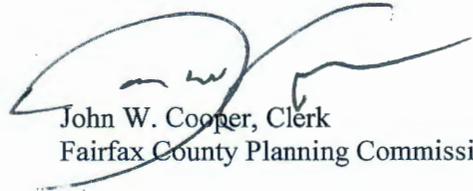
Grayson P. Hanes, Esquire
Reed Smith LLP
3110 Fairview Park Drive, Suite 1400
Falls Church, VA 22042

**Re: SE 2015-MV-019 – CHARLES COUNTY SAND AND
GRAVEL COMPANY, INC
Mount Vernon District**

Dear Mr. Hanes:

At its May 26, 2016 meeting, the Planning Commission voted 10-0 (Commissioners Lawrence and Murphy were not present for the vote.) to **DEFER THE DECISION ONLY** on the above referenced application to a date certain of June 16, 2016. A copy of the verbatim transcript is attached.

Sincerely,



John W. Cooper, Clerk
Fairfax County Planning Commission

Attachments (a/s)

cc: Daniel G. Storck, Supervisor, Mount Vernon District
Earl L. Flanagan, Planning Commissioner, Mount Vernon District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Mary Ann Tsai, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
May 26, 2016 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.

Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035
703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)
www.fairfaxcounty.gov/planning



Planning Commission Meeting
May 26, 2016
Verbatim Excerpt

SE 2015-MV-019 – CHARLES COUNTY SAND & GRAVEL COMPANY, INC.

Decision Only During Commission Matters
(Public Hearing held on February 25, 2016)

Commissioner Flanagan: Thank you, I'm very glad to be back among my friends and I have one motion and one announcement. The first one that I have is the agenda item on a decision only for SE 2015-MV-019, that's Charles County Sand and Gravel Company. Since the public hearing on February 25, issues raised by the Commissioners have resulted in a new resolution by the Lorton Land Use Committee and the Lorton community and that takes into consideration the staff report not previously available. In addition, the applicant requested and had a meeting with Supervisor Storck and now reviewing the results of those events. I THEREFORE MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION FOR SE 2015-MV-019, TO A DATE CERTAIN OF JUNE 16, 2016, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioners Hedetniemi and Sargeant: Second.

Vice Chairman de la Fe: Seconded by Commissioners Hedetniemi and Sargeant. 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.

//

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

TMW



County of Fairfax, Virginia

May 5, 2016

**2016 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
At-Large

Ellen J. "Nell" Hurley
Braddock District

John Ulfelder
Dranesville District

James Migliaccio
Lee District

Julie Strandlie
Mason District

Earl L. Flanagan
Mount Vernon District

Kenneth A. Lawrence
Providence District

Karen Keys-Gamarra
Sully District

Janyce N. Hedetniemi
At-Large

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Grayson P. Hanes, Esquire
Reed Smith LLP
3110 Fairview Park Drive, Suite 1400
Falls Church, VA 22042

**Re: SE 2015-MV-019 – CHARLES COUNTY SAND AND
GRAVEL COMPANY, INC
Mount Vernon District**

Dear Mr. Hanes:

At its May 5, 2016 meeting, the Planning Commission voted 9-0 (Commissioners Flanagan, Lawrence, and Ulfelder were absent from the meeting) to **DEFER THE DECISION ONLY** on the above referenced application to a date certain of May 26, 2016. A copy of the verbatim transcript is attached.

Sincerely,

John W. Cooper, Clerk
Fairfax County Planning Commission

Attachments (a/s)

cc: Daniel G. Storck, Supervisor, Mount Vernon District
Earl L. Flanagan, Planning Commissioner, Mount Vernon District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Mary Ann Tsai, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
May 5, 2016 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
May 5, 2016
Verbatim Excerpt

SE 2015-MV-019 – CHARLES COUNTY SAND & GRAVEL COMPANY, INC.

Decision Only During Commission Matters
(Public Hearing held on February 25, 2016)

Commissioner Sargeant: Thank you, Mr. Chairman. As you know, Commissioner Flanagan could not be here this evening. He asked me to take care of this particular motion to defer a case that was to be heard for decision only this evening – Charles County Sand & Gravel Company. So I'LL GO AHEAD AND MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION FOR SE 2015-MV-019 TO A DATE CERTAIN OF MAY 26TH, 2016, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

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 the decision only in SE 2015-MV-019 to a date certain of May 26, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. And of course, that's with the record remaining open for comment.

//

(The motion carried by a vote of 9-0. Commissioners Flanagan, Lawrence, and Ulfelder were absent from the meeting.)

JLC



County of Fairfax, Virginia

April 15, 2016

**2016 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
At-Large

Ellen J. "Nell" Hurley
Braddock District

John Ulfelder
Dranesville District

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Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Grayson P. Hanes, Esquire
Reed Smith LLP
3110 Fairview Park Drive, Suite 1400
Falls Church, VA 22042

**Re: SE 2015-MV-019 – CHARLES COUNTY SAND AND
GRAVEL COMPANY, INC
Mount Vernon District**

Dear Mr. Hanes:

At its April 13, 2016 meeting, the Planning Commission voted 12-0 to **DEFER THE DECISION ONLY** on the above referenced application to a date certain of May 5, 2016. A copy of the verbatim transcript is attached.

Sincerely,

John W. Cooper, Clerk
Fairfax County Planning Commission

Attachments (a/s)

cc: Daniel G. Storck, Supervisor, Mount Vernon District
Earl L. Flanagan, Planning Commissioner, Mount Vernon District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Mary Ann Tsai, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
April 13, 2016 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
April 13, 2016
Verbatim Excerpt

SE 2015-MV-019 – CHARLES COUNTY SAND & GRAVEL COMPANY, INC.

During Commission Matters

Commissioner Flanagan: Thank you, Mr. Chairman. The decision only on the agenda for SE 2015-MV-019 needs more time – not only for personal reasons, but as requested by others. I MOVE, therefore, THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2015-IV-019 [sic] TO A DATE CERTAIN OF MAY 5, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion? All those in favor of the motion to continue the decision only on SE 2015-MV-019, which is the Charles County Sand & Gravel Company application, to a date certain of May 5th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

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

JLC



County of Fairfax, Virginia

March 11, 2016

RECEIVED
Department of Planning & Zoning
MAR 15 2016
Zoning Evaluation Division

2016 Planning Commission

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
At-Large

Ellen J. "Nell" Hurley
Braddock District

John Ulfelder
Dranesville District

James Migliaccio
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Jill G. Cooper
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Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Grayson P. Hanes, Esquire
Reed Smith LLP
3110 Fairview Park Drive, Ste 1400
Falls Church, VA 22042

**Re: SE 2015-MV-019 – CHARLES COUNTY SAND AND GRAVEL COMPANY, INC
Mount Vernon District**

Dear Mr. Hanes:

At its March 10, 2016 meeting, the Planning Commission voted 12-0 to **DEFER THE DECISION ONLY** on the above referenced application to a date certain of April 13, 2016. A copy of the verbatim transcript is attached.

Sincerely,

John W. Cooper, Clerk
Fairfax County Planning Commission

Attachments (a/s)

cc: Daniel G. Storck, Supervisor, Mount Vernon District
Earl L. Flanagan, Planning Commissioner, Mount Vernon District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Mary Ann Tsai, Staff Coordinator, ZED, DPZ
✓ Robert Harrison, ZED, DPZ
March 10, 2016 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.

Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035
703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)
www.fairfaxcounty.gov/planning



Planning Commission Meeting
March 10, 2016
Verbatim Excerpt

SE 2015-MV-019 – CHARLES COUNTY SAND AND GRAVEL COMPANY, INC.

Decision Only During Commission Matters
(Public Hearing Held on February 25, 2016)

Commissioner Flanagan: Thank you, Mr. Chairman. I have a decision only on the agenda tonight for the Charles County Sand and Gravel application, SE 2015-MV-019, as I mentioned last night additional time is needed to resolve issues raised during the public hearing, February 25th and therefore, MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2015-MV-019 TO A DATE CERTAIN OF APRIL 13, 2016, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion to continue the decision only on SE 2015-MV-019, to a date certain of April 13th, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

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

TMW



County of Fairfax, Virginia

March 1, 2016

**2016 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
At-Large

Ellen J. "Nell" Hurley
Braddock District

John Ulfelder
Dranesville District

James Migliaccio
Lee District

Julie Strandlie
Mason District

Earl L. Flanagan
Mount Vernon District

Kenneth A. Lawrence
Providence District

Karen Keys-Gamarra
Sully District

Janyce N. Hedetniemi
At-Large

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Grayson P. Hanes, Esquire
Reed Smith LLP
3110 Fairview Park Drive, Ste 1400
Falls Church, VA 22042

**Re: SE 2015-MV-019 – CHARLES COUNTY SAND AND
GRAVEL COMPANY, INC
Mount Vernon District**

Dear Mr. Hanes:

At its February 25, 2016 meeting, the Planning Commission voted 12-0 to **DEFER THE DECISION ONLY** on the above referenced application to a date certain of March 10, 2016. A copy of the verbatim transcript is attached.

Sincerely,

John W. Cooper, Clerk
Fairfax County Planning Commission

Attachments (a/s)

cc: Daniel G. Storck, Supervisor, Mount Vernon District
Earl L. Flanagan, Planning Commissioner, Mount Vernon District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Mary Ann Tsai, Staff Coordinator, ZED, DPZ
✓ Robert Harrison, ZED, DPZ
February 25, 2016 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
February 25, 2016
Verbatim Excerpt

SE 2015-MV-019 – CHARLES COUNTY SAND AND GRAVEL COMPANY, INC.

After Close of the Public Hearing

Chairman Murphy: Okay, now the public hearing is closed; Mr. Flanagan.

Commissioner Flanagan: Yes, thank you, Mr. Chairman. As I indicated, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2015-MV-019, TO A DATE CERTAIN OF MARCH 10, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioners Hedetniemi and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer decision only on SE 2015-MV-019, to a date certain of March 10th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

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

TMW



County of Fairfax, Virginia

January 29, 2016

**2016 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
At-Large

Ellen J. "Nell" Hurley
Braddock District

John Ulfelder
Dranesville District

James Migliaccio
Lee District

Julie Strandlie
Mason District

Earl L. Flanagan
Mount Vernon District

Kenneth A. Lawrence
Providence District

Karen Keys-Gamarra
Sully District

Janyce N. Hedetniemi
At-Large

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Michael A. Banzhaf, Esquire
Reed Smith LLP
3110 Fairview Park Drive, Ste 1400
Falls Church, VA 22042

**Re: SE 2015-MV-019 – CHARLES COUNTY SAND & GRAVEL
COMPANY, INC.
Mount Vernon District**

Dear Mr. Banzhaf:

At its January 21, 2016 meeting, the Planning Commission voted 12-0 to **DEFER THE PUBLIC HEARING** on the above-referenced application to a date certain of February 25, 2016. A copy of the verbatim transcript is attached.

Sincerely,

John W. Cooper, Clerk
Fairfax County Planning Commission

Attachments (a/s)

cc: Daniel G. Storck, Supervisor, Mount Vernon District
Earl L. Flanagan, Planning Commissioner, Mount Vernon District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Mary Ann Tsai, Staff Coordinator, ZED, DPZ
✓ Robert Harrison, ZED, DPZ
January 21, 2016 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.

Fairfax County Planning Commission
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703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)
www.fairfaxcounty.gov/planning



SE 2015-MV-019 – CHARLES COUNTY SAND & GRAVEL COMPANY, INC.

During Commission Matters

Chairman Murphy: Close the public hearing; recognize Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. The special exception application 2015-MV-019, from the Charles County Sand and Gravel Company for the construction of a concrete batching plant on Gunston Cove Road in the Mount Vernon District Lorton community is scheduled for a public hearing tonight. The South County Federation adopted a resolution on May 12 in opposition to the application well before the staff report was published two weeks ago. The applicant, meanwhile, has been in negotiations with the Lorton community trying to resolve community objections, and that's still under way. The applicant has requested further meetings. I concur and therefore MOVE THAT THE PLANNING COMMISSION DEFER TONIGHT'S PUBLIC HEARING FOR SE 2015-MV-019 TO FEBRUARY 25, 2016, TO PROVIDE THE COMMUNITY TIME TO CONSIDER POSSIBLE ADDITIONAL SPECIAL EXCEPTION CONDITIONS.

Commissioners Hart and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer the public hearing on Charles County Sand and Gravel Company Incorporated, which is SE 2015-MV-019 to a date certain of February 25th, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

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

TMW