

**CLIFTON PLANNING COMMISSION MEETING
TUESDAY, MAY 26, 2020, 7:30 PM
ELECTRONIC MEETING
VIA ZOOM**

Until further notice from the Mayor of Clifton, and in accordance with the Resolution of the Planning Commission regarding Remote Participation by Electronic Means Policy and the Town Council Continuity of Government Methods, to the Planning Commission and Authorizing Remote Participation by Electronic Means Without a Physical Quorum Being Present Pursuant to Virginia Law, the Town of Clifton Planning Commission is holding all Meetings noticed herein electronically for the purpose of continuity of government of the Town of Clifton.

The meetings will be conducted using Zoom teleconferencing audio and video service, and connection information will be provided to members of the public to afford the opportunity to citizens to witness the operation of the Town of Clifton government. Connection information is available from, and will be provided by, the Town Clerk upon receiving an emailed request directed to clerk@cliftonva.gov.

Present: Kathy Kalinowski, Chair; Mac Arnold; Michelle Stein, Terry Winkowski, Susan Yantis.
Staff: Amanda Christman, Town Clerk.
Absent: Council Representative Member Melissa Milne; Pat Pline; Susan Yantis from 7:30 PM – 7:55 PM.

The Regular Meeting was called to order by Chair Kalinowski at 7:30 PM.

Order of Business:

1. Approve April 28, 2020 Regular Meeting Minutes.
 - **Member Arnold moved to approve the April 28, 2020 Minutes with minor revisions for clarity, seconded by Chair Kalinowski. The motion was approved by roll-call: Winkowski: Aye; Arnold: Aye; Kalinowski: Aye; Stein: Aye; (Member Yantis had not yet joined the Meeting).**

2. Use Permit Application – Counseling for Creative Growth, 12644 Chapel Road.
See attached application.
 - **Chair Kalinowski moved to recommend that the Town Council approve a Use Permit for Counseling for Creative Growth at 12644 Chapel Road, Suite 110, for 192 net**

square feet of space to be used as a commercial/office use for counseling for Tuesday through Friday from 8AM to 5PM with the allocation of 1 parking space on the premises, seconded by Member Stein. The motion was approved by roll-call: Arnold: Aye; Kalinowski: Aye; Winkowski: Aye; Stein: Aye; (Member Yantis had not yet joined the Meeting).

3. Use Permit Application – Market Wealth Management, LLC, 12644 Chapel Road.
See attached revised application.

- **Chair Kalinowski moved to recommend that the Town Council approve a Use Permit for Market Wealth Management, LLC at 12644 Chapel Rd, Suites 108, 109, 111 and 113 for a total of 776 net square feet for a commercial/office use for financial advice for Monday –Saturday 8AM to 8PM with the allocation of 4 parking spaces on premises, seconded by Member Arnold. The motion was approved by roll-call: Kalinowski: Aye; Stein: Aye; Winkowski: Aye; Arnold: Aye.**

4. Unfinished Business:

Updates on the status of the following Use Permits were provided by the Clerk:

a. Final Use Permit Application for 7184 Clifton Road.

It was reported that the Clerk and members of the ARB will be meeting on site with the applicant to discuss the status of the project and review various materials used in the construction

b. Use Permit Application for Wheelhouse Yoga, 12644 Chapel Road.

The Clerk reported that a complete application has not yet been received. Additional efforts will be made to obtain a reviewable application prior to the June Planning Commission meeting.

c. Use Permit Application needed for Anthony Reid & Associates, LLC, 12644 Chapel Road.

The Clerk reported that Mr. Reid has been contacted regarding the need to apply for a new Use Permit to reflect the expansion of his business space.

d. Final Use Permit Required for 12752 Chapel Street.

The Clerk reported that a “Second Notice” was sent to the applicant by Certified Mail, but that no response has been received. The Planning Commission requested that the Clerk update the Town Council and determine what the next step should be.

It was noted that proof of filing the approved plat of consolidation will be required for 12752 Chapel Street and the adjacent lot 42 in order to process the Final Use Permit.

e. Final Use Permit Required for 12727 Clifton Heights Lane.

The Clerk reported that a “Second Notice” was sent to the applicant by Certified Mail, but that no response has been received. The Planning Commission requested that the Clerk update the Town Council and determine what the next step should be.

5. Parking Allocation at the Clifton House, 12644 Chapel Road – Update.

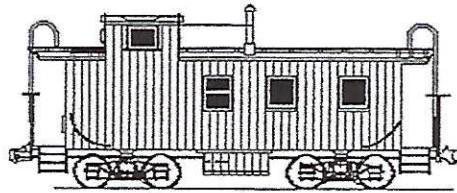
Having voted to recommend approval for items 2 and 3, above, the Planning Commission updated the parking tabulation form for the Clifton House, indicating that of the 63 available parking spaces at 12644 Chapel Road (Clifton House) all 63 are presently allocated. Chair Kalinowski remarked that she would contact the building owner, Jim Foley to notify him and to discuss several potential options to address the parking situation.

Adopted as revised by the Planning Commission on June 30, 2020

5. Adjournment.

- **Chair Kalinowski moved to adjourn, seconded by Member Winkowski. The motion was approved by roll-call: Kalinowski: Aye; Arnold: Aye; Stein: Aye; Winkowski: Aye; Yantis: Aye.**

The Meeting was adjourned at 8:08 PM.



TOWN OF CLIFTON, VIRGINIA

Use Permit Application

Property Address: 12644 Chapel Rd, Suite #110 Clifton, VA 20124		Date: [Month / Year] 4/24/20	
1. Type of Permit:	<input type="checkbox"/> Construction	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Residential
	<input type="checkbox"/> Preliminary Site Plans Attached	<input checked="" type="checkbox"/> Office <input type="checkbox"/> Retail	<input type="checkbox"/> Home Business (Code 9-19.c1)
	<input type="checkbox"/> Special Use	<input type="checkbox"/> Subdivision (Code Chapter 10)	<input type="checkbox"/> Boundary Line Adjustment/Lot Consolidation (Code 10-57 to Code 10-59)
	<input type="checkbox"/> Restaurant		<input type="checkbox"/> Public Use
	<input type="checkbox"/> Bed & Breakfast		
	<input type="checkbox"/> Multi-Family		
2. Name of Applicant: Gale Otello Cleveland, LCSW, BCD, CHT Mailing Address: 12644 Chapel Rd, Suite 110, Clifton, VA 20124			
Phone: 703-803-3294 Email Address: counseling@creativegrowth@gmail.com			
3. Name of Property Owner (if different): Jim Foley National Realty Partner Mailing Address: 365 Herndon Pkwy, Suite 106 Herndon, VA 20170			
4. Name of Business Organization: Counseling for Creative Growth			
5. Owner of Business Organization: Gale Otello Cleveland, LCSW, BCD, CHT			
6. Tax Map Number: 0754-02-0023A			
7. Attach a plat or plan drawn to scale showing the proposed construction, certified by an engineer, surveyor, architect, authorized to practice as such by VA, together with a surveyed plat of the property indicating all building and structure setbacks and height.		<input checked="" type="checkbox"/> Plat Attached	

Attach Floor Plan to Scale (non-residential & home business):

Floor Plan Attached

Zoning District of Premises:	<input type="checkbox"/> Residential (Code 9-19)	<input checked="" type="checkbox"/> Commercial (Code 9-21)	<input type="checkbox"/> Agricultural (Code 9-20)	<input type="checkbox"/> Industrial (Code 9-22)
	<input type="checkbox"/> Church, Park, Community Building			
	<input type="checkbox"/> Community Open Space & Recreation (COSR) (Code 9-23A)		<input type="checkbox"/> Low Impact Commercial (Code 9-23B)	

10. Describe Purpose of Application: *To reattain permission to continue to use office for counseling services that I have been using since 1999.*

10. If Commercial, Home Business, Agricultural or Industrial:

11. Describe Operation: *To provide psychotherapy services through a Licensed Clinical Social Worker*

11.a. If Non-Residential - Office Use: 192 SF or Retail/Restaurant Use: SF

11.b. Days & Hours of Operation (include special events): *Tuesday through Friday 8am-5pm*

11.c. Number of Employees on Site at any One Time: 1

11.d. Number of Seats (Restaurant/Church): Total: NA. If applicable, provide number of seats located Inside: NA and; Outside: NA

11.e. Gross Floor Area (GFA) of Building or /Premises: 16,897 SF (Code 9-13)
Net Gross Floor Area if more than one use in building: SF
If applicable, GFA devoted to carry-out service within restaurant: SF

11.f. Number of Off-street Parking Spaces Required: 2 (Code 9-13)

11.g. Number of Off-street Parking Spaces Provided* (attach parking plan to scale with dimensions identifying existing and proposed parking spaces):

11.h. Gross Floor Area of Dwelling (Home Business Only): SF

12. Application Fee Enclosed: \$ 75
(Fee schedule in Filing Instructions)

*PLEASE INCLUDE A PARKING TABULATION FORM FOR BUILDINGS THAT HAVE MORE THAN ONE USER IN THE BUILDING.

applicant or owner a member of a homeowners association (HOA)? Yes No If yes, please obtain the approval of HOA prior to submission of the application.

HOA REPRESENTATIVE (NAME/SIGNATURE) _____ DATE OF HOA APPROVAL: _____

The undersigned hereby applies for a Use Permit pursuant to Article 2, Section 9-10 of the Zoning Ordinance of the Code of Town of Clifton, Virginia.

APPLICANT'S SIGNATURE: Gale Otelle Cleveland DATE: 4/24/20

PROPERTY OWNER SIGNATURE: Molly Buchness, managing agent DATE: 4/28/2020

FOR TOWN USE ONLY

RECEIPT DATE: _____ DATE APPLICATION ACCEPTED: _____

APPLICATION FEE PAID: \$ _____

APPROVED DISAPPROVED

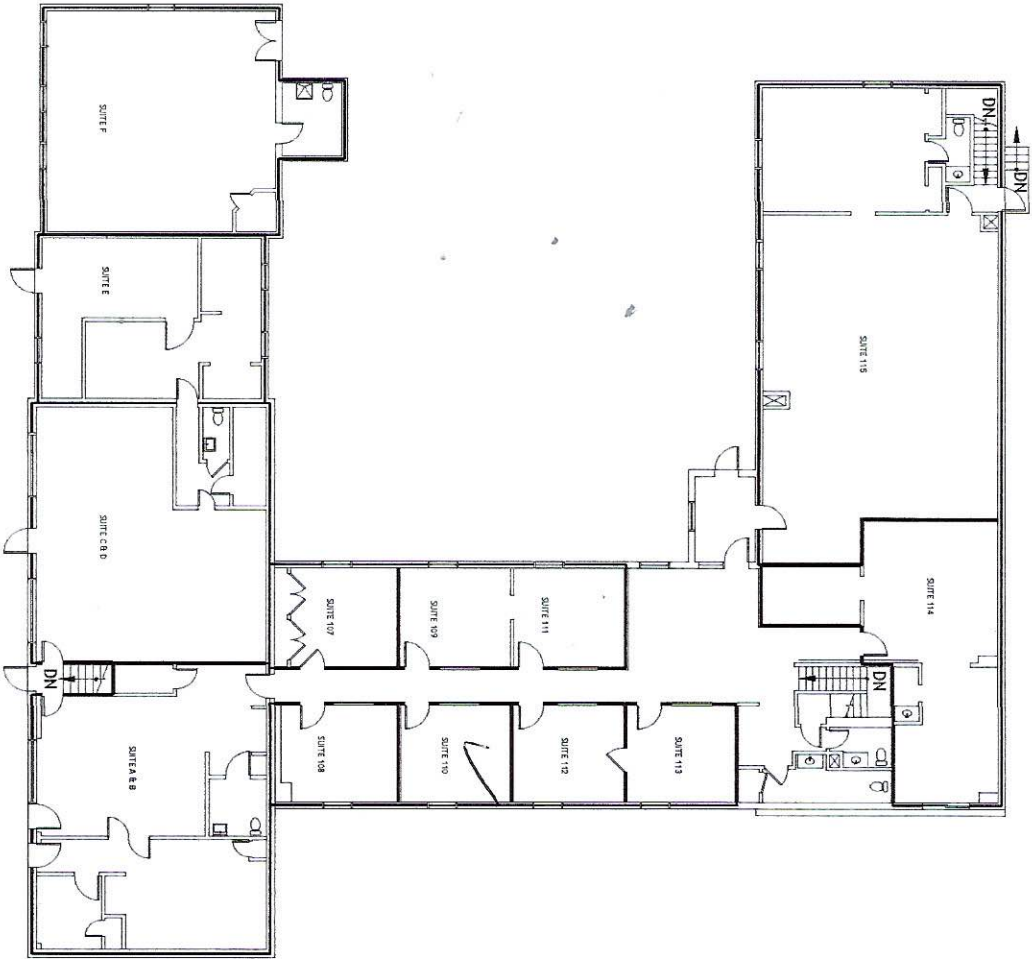
PLANNING COMMISSION: _____
SIGNATURE PRINT

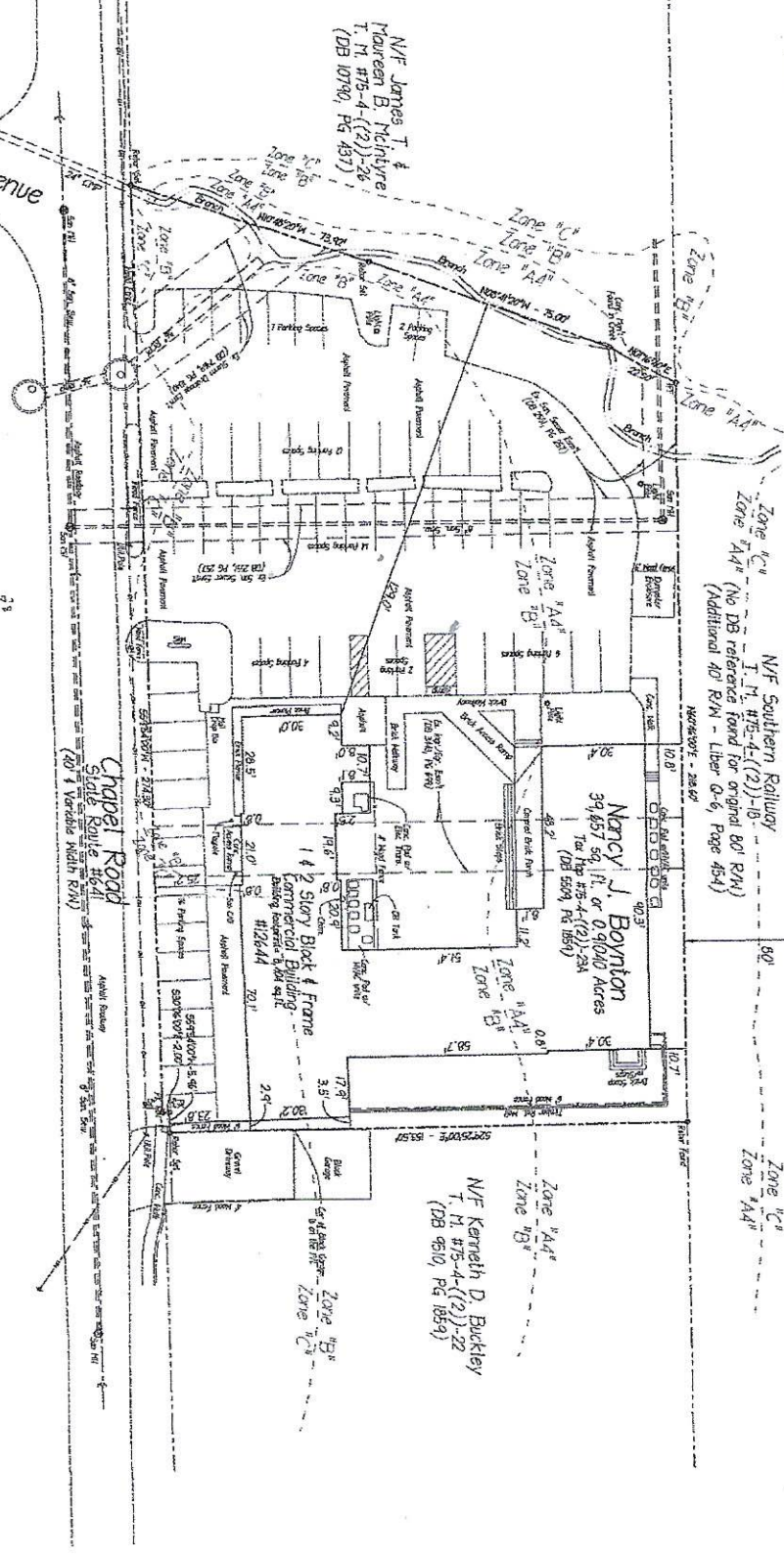
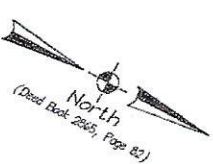
CONDITIONS: _____

APPROVED DISAPPROVED

TOWN COUNCIL: _____
SIGNATURE PRINT

CONDITIONS: _____





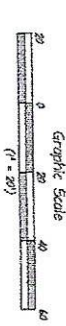
- Notes:**
- 1) The property #15-4-(2)
 - 2) Current sun
 - 3) Title report and deed
 - 4) Existing lot in Deed B, born show over great
 - 5) If log mark, even lines, calligraph
 - 6) No center
 - 7) No center
 - 8) No center
 - 9) No center
 - 10) No center

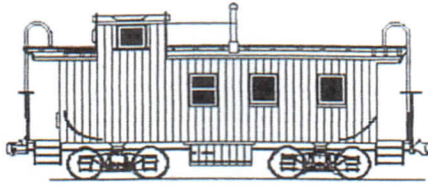
Surveyor's Certificate

This is to certify that this map or plat and the survey on which it was based were made in accordance with the minimum standards of the Alabama Land Title Surveyors' Act, 1949, and the rules and regulations of the Alabama Land Title Surveyors' Board, and that the same are correct and reliable and that the survey was made in accordance with the minimum standards of the Alabama Land Title Surveyors' Act, 1949, and the rules and regulations of the Alabama Land Title Surveyors' Board, and that the survey was made in accordance with the minimum standards of the Alabama Land Title Surveyors' Act, 1949, and the rules and regulations of the Alabama Land Title Surveyors' Board.

Thomas M. Kendall
 Thomas M. Kendall, L.S. #1711

Date: 10/17/16





TOWN OF CLIFTON, VIRGINIA

Use Permit Application

Property Address: <i>12644 Chapel Rd. Suite 111, 109 + 108 + 113 Clifton, VA 20124</i>		Date: [Month / Year] <i>05/12/2020</i>	
1. Type of Permit:	<input type="checkbox"/> Construction	<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential
	<input type="checkbox"/> Preliminary Site Plans Attached	<input checked="" type="checkbox"/> Office	<input type="checkbox"/> Home Business (Code 9-19.c1)
	<input type="checkbox"/> Special Use	<input type="checkbox"/> Subdivision (Code Chapter 10)	<input type="checkbox"/> Boundary Line Adjustment/Lot Consolidation (Code 10-57 to Code 10-59)
	<input type="checkbox"/> Restaurant		<input type="checkbox"/> Public Use
	<input type="checkbox"/> Bed & Breakfast		
	<input type="checkbox"/> Multi-Family		
2. Name of Applicant: <i>Peter J. Market</i>			
Mailing Address: <i>12644 Chapel Rd. Ste 111, Clifton, VA 20124</i>			
Phone: <i>703-266-5500</i>			
Email Address: <i>peter@marketwm.com</i>			
3. Name of Property Owner (if different): <i>National Realty Partners</i>			
Mailing Address: <i>365 Herndon PKwy #106 Herndon, VA 20170</i>			
4. Name of Business / Organization: <i>Market Wealth Management, LLC</i>			
5. Owner of Business / Organization: <i>Peter J. Market</i>			
6. Tax Map Number: <i>0754-02-0023A</i>			
7. Attach a plat or plan drawn to scale showing the proposed construction, certified by an engineer, surveyor, architect, authorized to practice as such by VA, together with a surveyed plat of the property indicating all building and structure setbacks and height.		<input checked="" type="checkbox"/> Plat Attached	

8. Attach Floor Plan to Scale (non-residential & home business):		<input type="checkbox"/> Floor Plan Attached		
9. Zoning District of Premises:	<input type="checkbox"/> Residential (Code 9-19)	<input checked="" type="checkbox"/> Commercial (Code 9-21)	<input type="checkbox"/> Agricultural (Code 9-20)	<input type="checkbox"/> Industrial (Code 9-22)
	<input type="checkbox"/> Church, Park, Community Building			
	<input type="checkbox"/> Community Open Space & Recreation (COSR) (Code 9-23A)	<input type="checkbox"/> Low Impact Commercial (Code 9-23B)		
10. Describe Purpose of Application: <i>Use of commercial space</i>				
10. If Commercial, Home Business, Agricultural or Industrial:				
11. Describe Operation: <i>Insurance/Investment Consulting</i>				
11.a. If Non-Residential - Office Use: _____ SF or Retail/Restaurant Use: _____ SF				
11.b. Days & Hours of Operation (include special events): <i>Mon-Sat 8a-8p</i>				
11.c. Number of Employees on Site at any One Time: <i>3</i>				
11.d. Number of Seats (Restaurant/Church): Total: _____. If applicable, provide number of seats located Inside: _____ and; Outside: _____ <i>776 Rem 5/26/2020</i>				
11.e. Gross Floor Area (GFA) of Building or /Premises: <i>768</i> SF (Code 9-13) Net Gross Floor Area if more than one use in building: _____ SF If applicable, GFA devoted to carry-out service within restaurant: _____ SF				
11.f. Number of Off-street Parking Spaces Required: <i>3</i> (Code 9-13)				
11.g. Number of Off-street Parking Spaces Provided* (attach parking plan to scale with dimensions identifying existing and proposed parking spaces): _____				
11.h. Gross Floor Area of Dwelling (Home Business Only): _____ SF				
12. Application Fee Enclosed: (Fee schedule in Filing Instructions) \$ <i>75</i>				

*PLEASE INCLUDE A PARKING TABULATION FORM FOR BUILDINGS THAT HAVE MORE THAN ONE USER IN THE BUILDING.

Is the applicant or owner a member of a homeowners association (HOA)? Yes No If yes, please obtain the approval of the HOA prior to submission of the application.

HOA REPRESENTATIVE (NAME/SIGNATURE) _____ DATE OF HOA APPROVAL: _____

The undersigned hereby applies for a Use Permit pursuant to Article 2, Section 9-10 of the Zoning Ordinance of the Code of Town of Clifton, Virginia.

APPLICANT'S SIGNATURE:  _____

DATE: 5/13/2020

PROPERTY OWNER SIGNATURE: Molly Buchness Managing Agent

DATE: 5/13/2020

FOR TOWN USE ONLY

RECEIPT DATE: _____

DATE APPLICATION ACCEPTED: _____

APPLICATION FEE PAID: \$ _____

APPROVED DISAPPROVED

PLANNING COMMISSION: _____
SIGNATURE

PRINT _____

CONDITIONS: _____

APPROVED DISAPPROVED

TOWN COUNCIL: _____
SIGNATURE

PRINT _____

CONDITIONS: _____

**FIRST AMENDMENT
TO
DEED OF LEASE**

THIS FIRST AMENDMENT TO DEED OF LEASE (the “Amendment”) is made as of July 1, 2020, by and between **NCH PARTNERS II, LLC** (the “Landlord”) and **PETER JOSEPH MARKET** (the “Tenant”), and is intended to affect the obligations and agreements between the parties hereinafter set forth.

W I T N E S S E T H

WHEREAS, Landlord and Tenant entered into a certain Deed of Lease dated August 26, 2019 (the “Lease”) for the office spaces known as Suites 108, 109, 111 measuring approximately 576 rentable square feet (192 s.f. each, more or less) on the first floor (the “Premises”) and located in a building at 12644 Chapel Road, Clifton, Virginia (the “Building”); and

WHEREAS, the parties wish to amend certain provisions of the lease as set forth below.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby reciprocally acknowledged, Landlord and Tenant agree as set forth below.

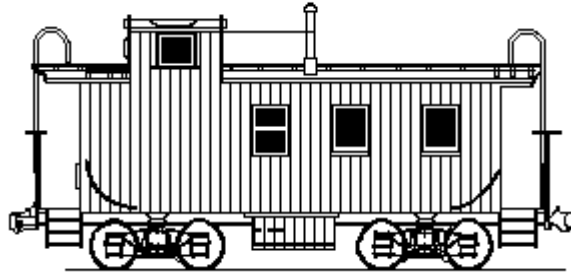
1. Effective July 1, 2020, Article I, regarding the Premises, shall be modified to four (4) office spaces known as Suites 108, 109, 111 (which measure approximately 192 square feet each), and Suite 113 “Expansion Premises” (which measures approximately 200 s.f.) which brings the new rentable square footage total to approximately 776 rentable square feet, more or less.”

2. Effective July 1, 2020, Article III regarding Rental Payments shall be modified to “The following table sets forth the annual rental rate and monthly installment amount due in each Lease Year.”

<u>Lease Year</u>	<u>Annual Rental Amount</u>	<u>Monthly Installment</u>
7/1/20 – 8/31/20	\$20,564.00	\$1,713.67
9/1/20 – 8/31/21	\$21,180.92	\$1,765.08
9/1/21 – 8/31/22	\$21,816.35	\$1,818.03

3. Tenant accepts the Expansion Premises in its “as-is” condition.

4. Tenant represents and warrants to the Landlord that no commission or fee is owed or payable to any broker, agent or finder with whom Tenant has dealt in carrying on the negotiations relating to this Amendment.



**CLIFTON TOWN PLANNING COMMISSION
REGULAR MEETING
TUESDAY, MAY 26, 2020, 7:30 PM
ELECTRONIC MEETING, VIA ZOOM**

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Order of Business:

1. Use Permit Application – Counseling for Creative Growth, 12644 Chapel Road.
2. Use Permit Application – Market Financial, 12644 Chapel Road.
3. Unfinished Business:
 - a. Final Use Permit Application for 7184 Clifton Road – Update.
 - b. Use Permit Application for Wheelhouse Yoga, 12644 Chapel Road – Update.
 - c. Use Permit Application needed for Anthony Reid & Associates, LLC, 12644 Chapel Road.
 - d. Final Use Permit Required for 12752 Chapel Street – Update.
 - e. Final Use Permit Required for 12727 Clifton Heights Lane – Update.
4. Adjournment.