

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, FEBRUARY 23, 2012**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Peter F. Murphy, Jr., Springfield District

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The meeting was called to order at 8:20 p.m. by Vice Chairman Walter L. Alcorn in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Hall MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING MINUTES:

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| OCTOBER 6, 2010 | NOVEMBER 3, 2010 | DECEMBER 2, 2010 |
| OCTOBER 20, 2010 | NOVEMBER 18, 2010 | DECEMBER 9, 2010 |

Commissioners Hart and de la Fe seconded the motion which carried by a vote of 10-0-1 with Commissioner Hurley abstaining; Commissioner Murphy absent from the meeting.

Also, to expedite the review and approval process, Commissioner Hall requested that Commissioners review the minutes online for January, February, and March 2011 and submit any necessary corrections to the Planning Commission staff prior to the March 21, 2012 Planning Commission meeting.

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Commissioner de la Fe announced the deferral of the public hearing for PRC C-377, Fairfax County Public Schools (Sunrise Valley Elementary School), originally scheduled for March 29, 2012, to a date certain of May 3, 2012.

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Commissioner Hart announced that the Planning Commission's Environment Committee had met earlier this evening to continue discussion on the Green Building Policy strawman document. He also announced that the Committee would meet again on the following dates to continue review of the strawman document:

- Thursday, March 8, 2012, at 7:00 p.m. – Board Conference Room, Government Center
- Thursday, April 26, 2012, at 7:00 p.m. – Board Conference Room, Government Center

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Vice Chairman Alcorn announced that the Tysons Corner Committee meeting originally scheduled for Wednesday, February 29, 2012 had been cancelled.

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On behalf of the Planning Commission, Commissioner Hall congratulated Vice Chairman Alcorn on being named "2011 Fairfax County Citizen of the Year" by the Fairfax County Federation of Citizens Association. She noted that a banquet would be held in his honor, adding that former Braddock District Planning Commissioner Suzanne Harsel would also be honored with a "Special Gratitude" Award.

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RATIFY THE 2012 COMMITTEE APPOINTMENTS, AS STATED IN THE MEMORANDUM FROM CHAIRMAN MURPHY, DATED FEBRUARY 23, 2012.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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FSA-Y00-134-1 – SPRINT, 3799 Lees Corner Road

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF ON "FEATURE SHOWN" FSA-Y00-134-1, WHICH IS THE ADDITION OF NINE PANEL ANTENNAS ON TOP OF A VEPCO POWER TRANSMISSION POLE LOCATED AT 3799 LEES CORNER ROAD IN CHANTILLY.

Commissioner Flanagan seconded the motion which carried by a vote of 10-0-1 with Commissioner Sargeant abstaining; Commissioner Murphy absent from the meeting.

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FS-M11-43 – DPWES, Baileys Crossroads Fire Station, 3601 Firehouse Lane

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION AND FIND THAT THE RENOVATION AND EXPANSION OF THE BAILEYS CROSSROADS FIRE STATION IS A “FEATURE SHOWN” OF THE COMPREHENSIVE PLAN.

Commissioners Sargeant and Hart seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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FSA-H00-73-1 – SPRINT, 2455 Fox Mill Road

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE “FEATURE SHOWN” DETERMINATION IN FSA-H00-73-1 AND CONSIDER IT A “FEATURE SHOWN,” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Litzenberger seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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FSA-P96-55-2 – SPRINT, 2311 Pimmit Drive

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION FIND THAT THE TELECOMMUNICATIONS MODIFICATIONS PROPOSED BY SPRINT, AND LOCATED AT 2311 PIMMIT DRIVE, ARE SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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FSA-L00-128-1 – SPRINT, 6350 Walker Lane
456A-D95-19-1 – SPRINT, 9916 Georgetown Pike
FSA-H00-97-2 – APC REALTY D/B/A SPRINT PCS, 13861 Sunrise Valley Drive
456A-V97-18-3 – SPRINT, 9130 Belvoir Court
2232A-B04-6-2 – SPRINT, 5035 Sideburn Road
FSA-P98-17-1 – SPRINT, 1808 Old Meadow Road
FSA-L99-34-1 – SPRINT, 7150 Hayfield Road
FSA-M99-22-1 – SPRINT, 6621 Columbia Pike
FSA-P97-10-1 – SPRINT, 3111 Fairview Park Drive
456A-V95-26-1 – SPRINT, 10112 Furnace Road
2232A-D00-4-6 – SPRINT, 7511 Old Dominion Drive
FSA-P99-35-1 – SPRINT, 7115 Leesburg Pike
FSA-S04-69-1 – SPRINT, 7410 Willowbrook Road

Vice Chairman Alcorn MOVED THAT THE PLANNING COMMISSION APPROVE THE CONSENT AGENDA ITEMS.

Without objection, the motion carried unanimously with Commissioner Murphy absent from the meeting.

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SE 2011-PR-008 – WELLS FARGO BANK (Decision Only) (The public hearing on this item was held on January 26, 2012. A verbatim transcript of the decision made is in the date file.)

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2011-PR-008, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED FEBRUARY 22, 2012.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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RZ/FDP 2011-BR-014 & PCA 2005-SP-019 – MIDLAND ROAD LLC & RIDGEWOOD COMMERCIAL OWNERS PROPERTY ASSOCIATION (Decisions Only) (The public hearing on these items was held on February 9, 2012. A verbatim transcript of the decisions made is in the date file.)

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 2005-SP-019, SUBJECT TO THE BOARD'S APPROVAL OF RZ 2011-BR-014.

Commissioner Migliaccio seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2011-BR-014 AND THE ASSOCIATED CDP, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 22, 2012.

Commissioner Migliaccio seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2011-BR-014, SUBJECT TO THE BOARD'S APPROVAL OF RZ 2011-BR-014.

Commissioner Migliaccio seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE MINIMUM DISTRICT SIZE FOR PDC DISTRICTS AND THE 200 SQUARE FOOT PRIVACY YARD REQUIREMENT FOR ALL SINGLE FAMILY ATTACHED UNITS.

Commissioner Migliaccio seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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ORDER OF THE AGENDA

Commissioner Hall established the following order of the agenda:

1. ZONING ORDINANCE AMENDMENT (EDITORIAL AND MINOR REVISIONS)
2. FDPA 2003-LE-025-02 – EGON F. HAWRYLAK
3. SE 2011-MV-012 – REDPATH DEVELOPMENT, LLC
4. SE 2011-HM-018 – CORINTHIAN COLLEGES, INC., D/B/A EVEREST COLLEGE
5. ZONING ORDINANCE AMENDMENT – PUBLIC ENTERTAINMENT ESTABLISHMENTS
6. RZ/FDP 2011- MA-029 – NEIGHBORHOODS VI, LLC

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT – EDITORIAL AND MINOR REVISIONS – To amend Chapter 112 (the Zoning

Ordinance) of the 1976 Code of the County of Fairfax, as follows:

(1) Revise Sect. 2-506 to allow rooftop guardrails as required by the Virginia Uniform Statewide Building Code for safety reasons to be excluded from the building height; (2) Revise Par. 6 of Sect. 10-103 to allow for a substitute child care provider to operate a home child facility in the absence of the provider for up to 240 hours per calendar year in accordance with Chapter 30 of the Fairfax County Code and/or Title 63.2 Chapter 17 of the *Code of Virginia*; (3) Pursuant to authority granted by §§15.2-107 and 15.2-2286(A)(6), of the *Code of Virginia*, reduce the special exception filing fee for home child care facilities in the PDH, PDC, PRM, and PTC Districts from \$16,375 to \$1100; (4) Remove the maximum allowable five-horsepower limitation for lawnmowers that can be repaired and serviced in a repair service establishment; (5) Replace the reference to “mentally retarded” persons with the term “intellectually disabled” in the group residential facility definition, and replace the term “mental retardation facilities” in the medical care facility definition with “intellectual disability care facilities”; (6) Revise Par. 5 of Sect. 6-308 to clarify that the preceding Par. 3 does not apply to certain bonus units, bonus floor area, affordable dwelling units and workforce dwelling units; and (7) Revise Par. 1A of Sect. 8-924 to clarify that the paragraph is referring to residential districts. COUNTYWIDE. PUBLIC HEARING.

Commissioner Sargeant asked that Vice Chairman Alcorn ascertain whether there were any speakers for this Amendment. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Vice Chairman Alcorn closed the public hearing and recognized Commissioner Sargeant for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE PROPOSED EDITORIAL AND MINOR REVISIONS ZONING ORDINANCE AMENDMENT BE APPROVED AS ADVERTISED WITH AN EFFECTIVE DATE OF 12:01 A.M. ON THE DAY FOLLOWING ADOPTION. HE ALSO MOVED THAT THE PROPOSED CHANGES TO PARAGRAPH 6B OF SECTION 10-103, CONCERNING SUBSTITUTE CARE PROVIDERS FOR HOME CHILD CARE FACILITIES, HAVE AN EFFECTIVE DATE OF JULY 1, 2012.

Commissioners Migliaccio and de la Fe seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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FDPA 2003-LE-025-02 – EGON F. HAWRYLAK – Appl. to amend the Final Development Plan for RZ 2003-LE-025 previously approved for residential development to permit a reduction of certain yard requirements on a single-family lot and associated changes to development conditions. Located at 6307 Still Spring Pl., Alexandria, on approx. 3,975 sq. ft. of land zoned PDH-5. Tax Map 81-4 ((48)) 38. LEE DISTRICT. PUBLIC HEARING.

Egon F. Hawrylak, property owner and applicant, reaffirmed the affidavit dated December 15, 2011. There were no disclosures by the Commissioners.

Commissioner Migliaccio asked that Vice Chairman Alcorn ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Vice Chairman Alcorn closed the public hearing and recognized Commissioner Migliaccio for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 2003-LE-025-02, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED FEBRUARY 9, 2012.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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SE 2011-MV-012 – REDPATH DEVELOPMENT, LLC – Appl. under Sect. 2-904 of the Zoning Ordinance to permit uses in a floodplain. Located at 6415 13th St., Alexandria, on approx. 14,000 sq. ft. of land zoned R-3. Tax Map 93-2 ((8)) (27) 13. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Joseph O. Carmichael, agent for the applicant, reaffirmed the affidavit dated December 15, 2011. There were no disclosures by the Commissioners.

St. Clair Williams, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

In response to questions from Commissioner Flanagan, Mr. Williams said that the proposed elevation for the new structure met the minimum standard requirement for building in a floodplain, adding that the entire site was located within a floodplain. Commissioner Flanagan expressed concern about the fill required for the construction and the building's height in relation to the adjacent homes.

Answering questions from Commissioner Sargeant, Mr. Williams confirmed that the language in the last sentence of Development Condition Number 9 was typical in applications similar to the subject proposal. In addition, he confirmed that language had been provided in Development Condition Number 17d to ensure that subsequent homebuyers were notified about buffers.

Responding to questions from Commissioner Hart, Mr. Williams reiterated that the proposal met the standards prescribed by the Zoning Ordinance for building in a floodplain and confirmed that the elevation of the structure was sufficient to avoid flooding. He added that the proposed development had been designed to direct the runoff to an existing storm drain east of the property, thereby reducing the impact on the adjacent properties.

Robert Weinig, R.C. Fields & Associates, agent for the applicant, provided a brief history of the site and stated that it was located completely within the 100-year floodplain and the Resource Protection Area (RPA). He noted that Redpath proposed to replace the existing house with a new dwelling and driveway, with a net increase of impervious area of approximately 1,300 square feet. He added that the applicant proposed 1,450 cubic yards of fill to provide access to the garage and dwelling. Mr. Weinig stated that the proposed dwelling and garage would be in conformance with the Fairfax County Zoning Ordinance and Federal Emergency Management Agency (FEMA) elevation regulations. He described the proposed drainage solution and pointed out that the development would reduce the majority of surface runoff to neighboring properties. He also noted that the applicant would provide 3,000 square feet of vegetative buffer plantings to offset the disturbance within the RPA, enhance water quality, and retard runoff. Mr. Weinig stated that the proposal would disturb less than 10,000 square feet and provide less than 5,000 square feet of impervious area.

In response to questions from Commissioner Flanagan, Mr. Weinig confirmed that he had met with members from the New Alexandria Citizens Association (NACA) and said that they had supported the application.

During a brief discussion with Commissioner Lawrence and Vice Chairman Alcorn, it was revealed that a small portion of the proposed fill would extend beyond the limits of the RPA and that this issue had been addressed in the development conditions.

In reply to questions from Commissioner Hart, Mr. Weinig confirmed that the elevation of the proposed dwelling would protect it from flooding.

Vice Chairman Alcorn called for speakers from the audience and recited the rules for testimony.

Laura Juricic, 6416 Potomac Avenue, Alexandria, spoke in opposition citing concerns about the stormwater runoff. She stated that the applicant and NACA had met to discuss citizen concerns and requests for changes; however, some of the issues had not been addressed. She stated that she had been told by Craig Carinci, Director, Environmental and Facilities Inspections Division, Fairfax County Department of Public Works and Environmental Services (DPWES), that the proposed storm drainage plan was not the current recommended approach. She briefly described the existing site, adjacent properties, and drainage issues that occurred during a heavy rain, and requested that the applicant address these issues.

Responding to questions from Commissioner Flanagan, Ms. Juricic confirmed that NACA had met with Mr. Weinig to discuss the application, but noted that the Association did not have a formal vote. She confirmed that NACA's President had attended the Mount Vernon Council meeting, but was unsure whether she had voted to support the application.

In reply to questions from Commissioner Sargeant, Ms. Juricic clarified that she was speaking on her own behalf and did not represent NACA. She added that one of NACA's officers had informed its members that the Mount Vernon Council unanimously supported the application. She said that NACA represented approximately 80 homes and described the community's location. She explained that the Association met bimonthly, adding that concerns about the subject application had been raised at the last meeting with the applicant and Mr. Carinci. When asked about NACA's representative to the Mount Vernon Council, Ms. Juricic said she did not know who it was.

Answering questions from Commissioner Hart, Ms. Juricic confirmed that there was a storm drain in the alleyway behind her house and said that she had reported her concerns about the stormwater plans to Mr. Carinci at DPWES. She stated that the alleyway was comprised of grass and gravel. She also confirmed that she had lived in her current home for two years, adding that she had determined from reports and maps that her home would be safe from flooding.

There being no more speakers, Vice Chairman Alcorn called for a rebuttal statement from Mr. Weinig, who explained that he had attended a meeting with NACA and said that no major objections had been expressed. He stated that the meeting had been informal and that, although no vote had been taken, Redpath had the endorsement of both the President and Joan Darrah, Vice President, who attended the Mount Vernon Council meeting and voted in favor of the application. He briefly described the alleyway and existing stormwater inlet and explained the proposed drainage plan, adding that the site's water absorption and filtration would also improve with the new development.

In response to questions from Commissioner Sargeant, Mr. Weinig described the water flow and confirmed that the proposed development would not exacerbate the existing problems. He stated that the future homeowner would not experience the severe drainage problems that had previously occurred, but acknowledged the possibility that the land would be soggy simply because of the conditions in a floodplain.

Referencing Development Condition Number 16, Commissioner Flanagan questioned Mr. Weinig on the impacts of the proposed development on the adjacent properties. Mr. Weinig responded by reiterating that the development would not contribute to existing flooding.

In reply to questions from Commissioner Lawrence, Mr. Williams confirmed that Development Condition Number 16 addressed conditions occurring during a normal rainfall. In addition, he referenced the memorandum in Appendix 5 of the staff report, from Beth Forbes, Stormwater Engineer, Site Development and Inspection Division, DPWES, dated November 28, 2011, which stated that the soils on the lot were rated as poorly suited for infiltration, thereby justifying the need for the proposed downspouts.

Commissioner Sargeant pointed out that while Development Condition Number 16 addressed the stability of the new development and ensured that it did not cause runoff/flooding to the adjacent homes, he was trying to emphasize that the subject property itself was not immune from such runoff/flooding problems. He also stated that the future residents of the home should be made well aware of the possibility of flooding.

There were no further comments or questions from the Commission; therefore, Vice Chairman Alcorn closed the public hearing and recognized Commissioner Flanagan for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON SE 2011-MV-012 TO A DATE CERTAIN OF MARCH 8, 2012, WITH THE RECORD REMAINING OPEN FOR COMMENTS.

Commissioners Lawrence and Litzenberger seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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SE 2011-HM-018 – CORINTHIAN COLLEGES, INC., D/B/A EVEREST COLLEGE – Appl. under Sect. 5-404 of the Zoning Ordinance to permit a college/university. Located at 8620 Westwood Center Dr., Vienna, on approx. 2.5 ac. of land-zoned I-4. Tax Map 29-3 ((20)) 9 and 9B pt. HUNTER MILL DISTRICT. PUBLIC HEARING.

William M. Baskin, Jr., Esquire, Baskin, Jackson, and Duffett, PC, reaffirmed the affidavit dated January 10, 2012. There were no disclosures by the Commissioners.

Megan Brady, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

In response to questions from Commissioner de la Fe, Ms. Brady said that the school required a Special Exception to provide its nursing degree program. In addition, she confirmed that the onsite parking would be adequate to accommodate the additional number of students and staff.

Mr. Baskin briefly described the course schedule, noting that it would be expanded to accommodate the parking. He stated that the building itself would not change and the nursing degree program would be added. He therefore requested the approval of the Planning Commission.

Vice Chairman Alcorn called for speakers from the audience, but received no response. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman Alcorn closed the public hearing and recognized Commissioner de la Fe for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2011-HM-018, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 17, 2012.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE WESTERN PROPERTY LINE IN FAVOR OF MAINTAINING THE EXISTING CONDITIONS.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE INTERIOR AND PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENTS IN FAVOR OF MAINTAINING THE EXISTING CONDITIONS.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE OFF-STREET LOADING SPACE REQUIREMENT.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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ZONING ORDINANCE AMENDMENT – PUBLIC ENTERTAINMENT – To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: (1) Revise the eating establishment definition to clarify that entertainment provided for the enjoyment of the patrons that is deemed by the Zoning Administrator to be clearly accessory and incidental to the principal dining function may be permitted. However, in no event shall the combination of dancing and billiard/pool tables be allowed, and if individually provided the space made available for dancing shall not exceed the lesser of 150 square feet or 1/8 of the floor area available for dining; or one billiard/pool table may be permitted in a dining area containing up to 4000 square feet and no more than 2 billiard/pool tables for a dining area containing 4000 square feet or greater. (2) Require the submission of a dimensioned floor plan showing the number and location of seats, tables and counter/bar areas; the types and locations of accessory entertainment uses; and the location of kitchen, employee and other public areas prior to the issuance of a Non-Residential Use Permit for an eating establishment. (3) Add a new public entertainment establishment use which is defined as an establishment which is open to the general public wherein the primary occupation is to provide entertainment to adult customers to include such activities as dancing, billiard/pool, karaoke, hookah, and other similar entertainment activities. (4) Allow public entertainment establishments in the C-6, C-7, C-8, and C-9 Districts only by special exception approval by the Board of Supervisors (Board), and in the PDC, PRC, PRM, and PTC Districts when depicted on an approved development plan or by special exception approval by the Board of Supervisors. (5) Add new Sect. 9-534, authorizing the Board to approve a special exception to allow a public entertainment establishment in the C-6,

C-7, C-8, C-9, PDC, PRC, PRM, and PTC Districts, provided the Board determines that such an establishment is compatible with and does not adversely impact adjacent properties and the neighboring community. In order to mitigate adverse impacts, the Board may impose conditions and restrictions deemed necessary that include but are not limited to restrictions on hours of operation, site development or design standards, transitional screening and landscaping, amount and location of parking, signage, outdoor lighting, amount and type of outdoor activity, and building construction to ensure noise attenuation. In addition, Sect. 9-534 requires that a floor plan with dimensions be submitted with the special exception application showing the type and location of the entertainment activity; the number and location of seats, tables, counter/bar areas; and the location of kitchen, employee and other public areas. (6) Add a new banquet/reception hall use which is defined as any establishment operated for profit wherein the facilities are leased on a temporary basis for private wedding receptions, meetings, banquets, and other similar events. Such establishments shall not be open to the general public and may include food preparation facilities and areas for dancing, dining and other activities customarily found in association with banquet or reception events. (7) Allow banquet/reception halls in the C-6 District only by special exception approval by the Board, by right in the C-7, C-8 and C-9 Districts, and in the PDC, PRC, PRM, and PTC Districts when depicted on an approved development plan or by special exception approval by the Board of Supervisors. (8) Add a new hookah establishment definition which is defined as “a business consisting of on-premise smoking of tobacco or other legal substances through one or more pipes (commonly known as a hookah, water pipe, shisha, or narghile) designed with a tube passing through an urn of water that cools the smoke as it is drawn through it.” A hookah establishment shall be deemed a public entertainment establishment. (9) Revise the theatre definition to clarify that live performances and/or the showing of motion pictures shall be provided in a building or structure in which fixed audience seating is provided and that a dinner theatre shall be deemed a public entertainment establishment. COUNTYWIDE. PUBLIC HEARING.

Commissioner Hart announced his intent to defer the decision only for this Amendment to Thursday, March 1, 2012.

Jack Reale, Senior Assistant to the Zoning Administrator, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the amendment.

Answering questions from Commissioner Hart, Jack Reale, Senior Assistant to the Zoning Administrator, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), explained that approximately five applications for billiard halls were submitted each year. He confirmed that all the existing billiard halls were located in the C-6, C-7, and C-8 Districts, although they were permitted in the C-5 District. When Commissioner Hart asked why billiard halls should no longer be permitted in the C-5 District, Mr. Reale stated that C-5 was intended for neighborhood retail and a use such as a billiard hall requiring additional oversight and conditions would not be appropriate. In addition, he confirmed that in cases where an application was for a change in permittee, the applicant would not have to pay the entire filing fee. Mr. Reale stated that an eating establishment could hold other activities, such as meetings and receptions, as long as they remained subordinate and accessory to the primary business, without requiring Special Exception (SE) approval. He said the same held true for a homeowners association “party room” or Moose Lodge, adding that the Zoning Administrator would examine each case within the guidelines for accessory use.

Commissioner Hart asked about Fairfax County guidelines on dance floor regulation and how they compared to surrounding jurisdictions. Mr. Reale stated that other jurisdictions identified dance floors as a form of entertainment and regulated them through either Special Permit (SP) or SE, but none placed stipulations on the size or area of the dance floor. He confirmed that the maximum limitation for the dance floor could be increased without exceeding the scope of the advertisement. He also said that the Zoning Ordinance did not prohibit a restaurant owner from applying for a dance floor area larger than the proposed 150-foot maximum through an SE application. He explained that the Zoning Administrator had derived the 150 square foot dance floor figure by multiplying three to five square feet per person by 30 to 45 persons on a dance floor. Mr. Reale said that a provision had been placed in the Zoning Ordinance permitting accessory dance use up to one-eighth of the floor area provided for dining. He noted an increase in the number of large eating establishments where one-eighth of the dining area had become rather significant and said that ZAD allowed dance floors up to a certain size or one-eighth of the size of the establishment, whichever was less. He stated that staff felt that the impacts of this issue needed to be addressed separately; however, the guidance regarding eating establishments was unclear, making the size of the dance floor the most appropriate form of regulation.

In response to additional questions from Commissioner Hart, Michael Congleton, Property Maintenance Code Officer, ZAD, DPZ, stated that DPZ received approximately six applications for dance halls each year, adding that the majority were submitted after an establishment had been cited for zoning violations. He confirmed that there were eating establishments with very small dance floors and they were typically located in strip malls.

Commissioner Litzenberger noted that he had received a letter from the manager of the Westfield Marriott and asked if staff had responded to it. Mr. Reale explained that he had contacted the Virginia Hospitality and Travel Association (VHTA) announcing this Amendment. He said that he had spoken with Katie Hellebush, Director of Government Relations, VHTA, and sent her an outline and draft of the proposal in November and December 2011 to disseminate to the organization's membership. He added that he had continued follow-up as changes occurred, including four times in February 2012, during which he had spoken with Kelly Benedetti, also a representative for VHTA, and expressed concern that he had not yet received any comment from VHTA regarding the proposal. Mr. Reale noted that Ms. Hellebush had submitted a letter today expressing broad concerns that the proposal would harm the hotel industry, adding that he had sent a response to her in an effort to allay her concerns. He stated that the Amendment would not affect the Westfield Marriott in the Sully District.

There was a brief discussion between Commissioner Flanagan and Mr. Congleton regarding the requirements for eating establishments with by-right dance floor uses.

Commissioner Donahue suggested that Mr. Reale contact Regan Linke, a member of the Fairfax County Convention and Visitors' Bureau and Association (FXVA), and said that because the association was local; he might receive an expedited response. Mr. Reale said that he had received correspondence from Mr. Linke, but added that he would contact FXVA for comments and suggestions.

Commissioner Donahue suggested that Mr. Reale contact Regan Linke, a member of the Fairfax County Convention and Visitors' Bureau and Association (FXVA), and said that because the association was local; he might receive an expedited response. Mr. Reale said that he had received correspondence from Mr. Linke, but added that he would contact FXVA for comments and suggestions.

During a brief discussion between Commissioner Sargeant, Mr. Reale, and Mr. Congleton, it was revealed that although the application process from SP to SE would change, the approval time for an existing establishment would essentially be the same.

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The Commission went into recess at 10:21 p.m. and reconvened in the Board Auditorium at 10:35 p.m.

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Vice Chairman Alcorn called the first listed speaker.

Douglas McKinley, 2107 Martha's Road, Alexandria, spoke in opposition to the Amendment because he believed that it would be too severe and destroy the entertainment industry in the County. He pointed out that the issues prompting the Amendment had occurred in establishments

with SE approval that had subsequently been revoked. He stated that this Amendment, however, sought to mitigate possible impacts from all establishments, including by-right uses, and requested that the Planning Commission defer the decision and review the Amendment language more carefully.

David Norton, Washington Dance Institute, P.O. Box 362, McLean, opposed the Amendment saying that it would have a negative impact on eating establishments and dance instructors. He briefly described the dance instruction arrangement he had with Picante's Restaurant in Chantilly, where he had provided instruction for five years until December 2011, when Picante's received a fine for not having an accessory dance floor permit. He added that the proposed 150-square-foot dance floor limit would be insufficient and said that the Amendment should not be adopted.

In response to questions from Commissioner Hall, Mr. Norton said that approximately 500 square feet would be appropriate for a dance floor accommodating 50 people. He suggested that revenue be used as a measurement for primary or accessory use, noting that Picante's Restaurant did not benefit financially from his dance classes since the kitchen closed shortly after his classes began.

Responding to questions from Commissioner Sargeant, Mr. Norton said that one-eighth of Picante's dance floor would be approximately 280 square feet.

When Commissioner Sargeant asked about the relationship between moving tables for a dance floor and safety code regulations, Mr. Congleton said that the Fairfax County Health Department, Fire Marshal, and Building Inspector would be required to examine a building prior to approval. He said that many establishments provided space for dancing by moving tables/chairs, adding that emergency exits were often blocked in the process. In addition, he noted that he often encountered overcrowding, which caused additional concern for public safety. He pointed out that the Amendment was not specifically aimed at the dance community or dancing establishments, but was meant to mitigate the impacts caused by the establishments with citations for violation and/or had repeated issues with criminal activity.

Answering questions from Commissioner Hart, Mr. Norton reiterated that the dance floor at Picante's would be approximately 280 square feet and explained that he held dance classes on Friday evenings from 8:30 p.m. to 10:00 p.m., followed by open dancing until 1:30 a.m. He said that he provided a wristband to his clients upon arrival, adding that the typical class size numbered approximately 80 people, with 40 on the dance floor at a time. He confirmed that the parking was sufficient at that location.

Commissioner Flanagan remarked that the mixed-use arrangement between Mr. Norton and Picante's, i.e., the conversion of a restaurant use into a dance hall, demonstrated precisely why the proposed Amendment was necessary.

Commissioner Lawrence mentioned neighborhood establishments where live entertainment used minimal space to perform and suggested that such places be considered as well while determining what changes to the Amendment might be required during the deferral period.

In reply to questions from Commissioner Hurley, Mr. Norton said that other types of public facilities either closed too early or were too costly.

Jane Kelsey, President, Jane Kelsey and Associates, 4041 Autumn Court, Fairfax, stated that she also spoke on behalf of James Wordsworth, Director Emeritus, FXVA, and Katie Hellebush, VHTA, who also requested deferral of the decision. On her own behalf, Ms. Kelsey opposed the Amendment, echoing earlier remarks regarding the insufficient size of the proposed dance floor and stating that the proposal would place an undue burden on smaller establishments with current non-residential use permits. In addition, she requested clarification on the space permitted for dance floors, in addition to accessory banquet/reception uses in eating establishments. (A copy of Ms. Kelsey's statement is in the date file.)

Todd Robbins, address unknown, Centreville, also spoke in opposition to the Amendment and said that, as the disc jockey for Picante's Restaurant and a teacher in Fairfax County, it was important to understand and appreciate the cultural diversity in the County.

Julie Wilson, 3795 Dade Drive, Annandale, America's Ms. Virginia 2011, spoke in opposition to the Amendment.

During a brief discussion with Commissioner Hart, Ms. Wilson said the size of the dance floor would depend on the type of dancing; however, she echoed previous speakers' remarks about the proposed size of the dance floor being insufficient.

In response to questions from Commissioner Flanagan, Ms. Wilson explained that while her dance instruction took place in a studio setting, many of her colleagues preferred restaurant settings. She added that such a setting might even tend to prove more appropriate in cases where some of the clients were couples trying to "reconnect" or create a "date night" with dinner and dancing.

During a brief conversation with Ms. Wilson, Commissioner Sargeant acknowledged her dance skills and ability to use a smaller dance floor; however, it was not recommended for people who did not know how to dance; therefore, it was essential that safety be the overriding factor in reviewing the available space in an establishment. Ms. Wilson agreed, but expressed concern about requiring more from applicants wanting to provide those services.

Kathy Norris, 4637 Randolph Drive, Annandale, Board Member of the Northern Virginia Shag Club, was also opposed to the proposed Amendment, echoing previous comments regarding larger dance floor requirements. She explained that the Club had to discontinue meeting at René's Supper Club in 2011 because of structural issues. She added that the dancers had not yet found a permanent location, but noted that restaurants were more preferable because of the lower

costs. She added that restaurants with dance floors were continuously booked and said that the typical attendance for her Club was between 50 to 80 members a week. She also pointed out that although the dance community was large, different dance groups mixed regularly.

Tonya Gunnerson, 4320 D Cannon Ridge Court, Unit 51, Fairfax, voiced opposition to the Amendment. She stated that she danced at least three nights a week, pointing out that the issues mentioned in the staff report, including alcohol consumption, overcrowding, and noise, had occurred in establishments where the primary purpose was drinking, not dancing. She said that dancers were not a part of that community and a strict distinction needed to be made between the two groups.

Responding to a question from Vice Chairman Alcorn, Ms. Gunnerson said that she had taken lessons in both studios and restaurants.

Caroline Squire, 7400 Masonville Drive, Annandale, explained that she has been a dance student for six months and said that the change in location necessitated by the shutdown of her classes in Fairfax has affected her financially since she must drive farther and pay more for childcare.

Joel Delara, 7817 Wendy Ridge Lane, Annandale, presented a brief video of the existing dance space at Picante's Restaurant.

There being no more speakers, Vice Chairman Alcorn called for a rebuttal statement from Mr. Congleton, who reiterated that the Amendment was not about dancing, but ensuring that the uses were compatible with their surrounding communities and that the accessory uses were in accordance with the applicable Zoning Ordinance requirements.

Commissioner de la Fe questioned whether the Amendment was in fact appropriate, concurring with earlier remarks that its focus was on dancing rather than addressing the issues and establishments that had created the need for additional regulation.

There were no further comments or questions from the Commission; therefore, Vice Chairman Alcorn closed the public hearing and recognized Commissioner Hart for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON THE PROPOSED PUBLIC ENTERTAINMENT ESTABLISHMENT ZONING ORDINANCE AMENDMENT TO A DATE CERTAIN OF MARCH 1, 2012, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioners Sargeant and Hall seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

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RZ 2011-MA-029/FDP 2011-MA-029 - NEIGHBORHOODS, VI, LLC – Appls. to rezone from R-2 and HC to PDH-4 and HC to permit residential development with an overall density of 3.98 du/ac and approval of the conceptual and final development plans. Located in the S.W. quadrant of the intersection of Willow Run Dr. and Little River Tpk. on approx. 8.79 ac. of land. Comp. Plan Rec: 3-4 du/ac. Tax Map 71-2 ((1)) 36; 71-2 ((10)) 17A and 71-2 ((13))
1. MASON DISTRICT. JOINT PUBLIC HEARING.

Gregory Riegle, Esquire, McGuireWoods, LLP, reaffirmed the affidavit dated January 19, 2012. There were no disclosures by the Commissioners.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of these applications.

Commissioner Hall announced her intent to defer the decisions on these applications to Thursday, March 8, 2012. She pointed out that the Mason District Land Use Committee would meet on Tuesday, February 28, 2012, at 7:30 p.m. regarding the case and said that the public hearing would be held this evening to allow all of the issues to be presented. She also said that she wanted the applicant to consider additional proffers during the deferral period.

During a brief discussion with Commissioner Flanagan regarding the street trees, Mr. O'Donnell said the trees and front yards could be changed during site plan review. He also explained that the site was in a Highway Corridor Overlay Zoning District that was governed by the PDH-4 Planned Development Residential District (P-District).

There was a brief discussion between Commissioner Donahue and Mr. O'Donnell as to whether there would be sufficient space for landscaping between some of the lots.

Mr. Riegle provided a brief history of the subject site and acknowledged that it was surrounded by residential zoning at a density of one-to-two dwelling units per acre. He pointed out, however, that the property had always been a non-residential use; therefore, evaluation of the proposal should be made based on non-residential versus residential use. He explained that the current Comprehensive Plan language allowed for mixed or residential use for this site, adding that the language regarding the enhanced buffers addressed the differentiation from the surrounding communities. Mr. Riegle also pointed out that the lot size variances were not unique to the area. He added that the proposal contained elements of a quality community, including open space, green building commitments, innovative stormwater management, and stream restoration, to name a few. He noted that the site had no modern stormwater management facility and the streambed was significantly degraded, so the proposed application would make significant improvements to the site. Mr. Riegle said that after several meetings with citizens, the application had seen seven revisions, noting that while the biggest problem appeared to be the

number of houses, he suggested it might be a more fundamental disagreement with the Comprehensive Plan.

Vice Chairman Alcorn called the first listed speaker.

Neil Brown, 4601 Willow Run Drive, Annandale, son of and Power of Attorney for Margaret J. Brown, voiced his and Ms. Brown's opposition to the applications for the following reasons:

- Willow Run Drive was barely 21 feet wide, with a three-foot drainage ditch on each side of the road;
- When cars parked on the street, two-lane traffic became impossible;
- Visitor parking would make it more difficult to exit his driveway; and
- The number of houses was inconsistent with the surrounding neighborhoods.

Mr. Brown said that in meetings with the Mason District Land Use Committee and the applicant, he had suggested options regarding a common access path near Randolph Road. He also stated that he had repeatedly requested information regarding decisions from the Virginia Department of Transportation and the Environmental Protection Agency, to no avail. (A copy of Mr. Brown's statement is in the date file.)

There was a lengthy discussion between Commissioner Hall and Mr. Brown regarding possibilities of converting the current driveway on his property to allow easier egress, light pollution from the increased traffic, and the impact of the additional traffic.

During a brief discussion with Commissioner Lawrence, Mr. Brown confirmed that the proposal site would be separate from the nearby multi-family residential community. With regard to Mr. Brown's request for lower density, Commissioner Lawrence explained that it might not be possible and noted that applicants for P-Districts tended to make compromises for smaller lot sizes to provide better benefits to the community.

Answering questions from Commissioner Flanagan, Mr. Brown explained that his mother had been unable to object to the current zoning because she had not been notified.

Jack Haberle, President, Willow Run Civic Association, 4816 Randolph Drive, Annandale, spoke in opposition to the applications. He noted that the Willow Run residents who attended the Mason District Land Use Committee meeting were also opposed to the applications, adding that they had little confidence in the applicant and questioned the zoning process. He stated that the applications should be denied for the following reasons:

- The applications would maximize profit by packing the greatest possible number of the largest allowable cookie-cutter "McMansions" onto the smallest allowable lots;
- The new houses would be too large and the density too high, in direct contrast with the surrounding communities;

- The current proposal of a single access point would cause a safety hazard by creating traffic spillover into the surrounding neighborhoods currently suffering from cut-through traffic. Additionally, the side streets were narrow with many turns and could pose additional dangers to pedestrians because there was no sidewalk; and
- Insufficient resident and guest parking would lead to more parking on the street, making the existing street even narrower. In addition, only one parking permit restriction existed on Willow Run Drive from 8:00 a.m. to 3:00 p.m. on days when school was in session; otherwise, parking was open.

Mr. Haberle pointed out that Mason District Supervisor Penelope Gross acknowledged the impact of development in Fairfax County on the existing stormwater system and streams and pointed out that the nearby Indian Run Stream Valley had been severely eroded by over-development. He expressed concern about the stormwater detention facility and questioned its viability in the event of a severe flood. Referencing Proffer Number 23, “Stormwater Management and BMP [Best Management Practices] Maintenance,” on page 8 of Appendix 1 of the staff report, Mr. Haberle expressed concern that the applicant would be required to provide no more than instruction materials for the stormwater management facility, while the responsibility for its maintenance, repair, and/or replacement would fall entirely on the newly established homeowners association. (Copies of Mr. Haberle’s statements are in the date file.)

Responding to a question from Commissioner Flanagan, Mr. Haberle said that he had participated in the Area Plans Review process to increase the density of the subject site, but pointed out that he had done so in the belief that the site would develop moderately, in accordance with the surrounding neighborhoods.

In reply to questions from Commissioner Hall, Mr. Haberle said that he had anticipated development on the site to contain no more than 26 residences, which equated to 3 per acre.

When Commissioner Hart asked about the ban on parking large vehicles such as trailers, Commissioner Hall said that it was more preferable to keep them in leased spaces.

During a brief discussion with Commissioner Lawrence, Mr. Haberle said there were approximately 125 homes in the Willow Run Civic Association, adding that many of the homes would be impacted by the proposed development. Commissioner Lawrence pointed out that homes now tended to be larger and on smaller lots, in spite of reported trends toward smaller homes. Mr. Haberle concurred, but said that the new development should be compatible with his neighborhood.

Vice Chairman Alcorn reminded everyone that the Mason District Land Use Committee would continue to work on these applications after tonight’s public hearing.

Norberto Vignoli, 4713 Randolph Court, Annandale, voiced his opposition to the applications, echoing previous speakers' concerns regarding the density, incompatibility of the new development in relation to the neighboring communities, and the additional hazards that would accompany the increase in traffic.

In reply to a question from Commissioner Flanagan, Mr. Vignoli stated that he would prefer a development in which the density and size of the homes were compatible with those in the surrounding residential communities.

James White, 8423 Queen Elizabeth Boulevard, Annandale, was opposed to the applications and reiterated the concerns of previous speakers, adding that emergency vehicle access would be severely hampered if someone parked a vehicle on Willow Road near the access point.

Maureena Crawford, 4805 Randolph Drive, Annandale, spoke in opposition to the applications, stating that the primary motivation for the development was financial gain, with no consideration for or benefit to the surrounding communities that would be impacted.

Peter Kaufmann, 4821 Randolph Drive, Annandale, was also opposed to the applications and said that the applicant's proposal to provide buffering to shield the development was itself recognition that it would have a negative impact on the surrounding neighborhoods.

Caroline Hillkirk, 4830 Randolph Drive, Annandale, also voiced opposition to the applications, echoing previous speakers' concerns regarding the cut-through traffic and the impacts of increased traffic in the neighborhood.

There being no more speakers, Vice Chairman Alcorn called for a rebuttal statement from Mr. Riegle, who expressed confidence that the 36 proposed guest parking spaces would be sufficient for the new development. He stated that he would provide an additional proffer addressing parking prohibition for large vehicles. With regard to the maintenance of the stormwater detention facility, he pointed out that Proffer Number 23 also required the applicant to place funds in escrow for the homeowners association, in addition to a contribution towards a reserve fund for the future replacement of the underground facility. He noted that the applicant would provide significant over-detention to prevent additional erosion of the existing stream. He added that the applicant intended to connect the new development to the rest of the community via a planned trail.

Answering questions from Vice Chairman Alcorn, Mr. Riegle explained that the option for commercial use had not been considered because it would generate more traffic in the area.

In reply to questions from Commissioner Hall, Mr. Riegle said that the length of the driveway, as referenced in Proffer Number 12, would be measured from the interior sidewalk nearest the residential garages. When Commissioner Hall asked why the language in Proffer Number 11 regarding garage conversion would not instead be a zoning violation, Mr. O'Donnell explained that the proffer allowed the homeowners association to address the issue before turning it over to

the County if it became necessary. Commissioner Hall also mentioned Proffer Number 19 and her concern about inappropriately parked large vehicles. When she asked about the issues raised by Mr. Brown regarding alternate access points, Mr. Riegler briefly explained that an alternate access point had been extensively reviewed but was found to be impossible. He said that the applicant had instead reoriented the road toward the traffic signal on Willow Road.

Commissioner Lawrence pointed out that the nature of the P-District allowed for trade-offs between conventional zoning and benefits that might be gained via development conditions and/or proffers. He suggested that in light of this relationship and the traffic concerns expressed by the citizens, the applicant should consider including wireless infrastructure as an option for buyers to work from home. In addition, referencing page 9 of the staff report, Commissioner Lawrence expressed concern about the appearance of a “wall” of homes and emphasized that in meeting the criteria of the P-District, innovation and creativity in mitigating the “wall” would be just as important as the development’s compatibility with the surrounding community.

Commissioner Hart pointed out that the second sentence of Proffer Number 11, Garage Conversion, included the Board of Supervisors, who could also enforce the provision if the need arose. Additionally, he suggested that the first sentence of the proffer specify that the garages must not be converted into living space. With regard to recreational and commercial vehicles, he said that while prohibiting them from the subject site might be appropriate, he expressed concern that owners would simply park them somewhere nearby; in this case, Willow Run Drive.

After briefly reviewing the requirements of a conventional R-4 District versus the proposed P-District, Commissioner Hart said that the proposed layout appeared to maximize the unit yield without achieving General Standard Number 2, of Section 16-101 of the Zoning Ordinance, as cited on page 21 of the staff report. He suggested that reducing the number of houses would not only improve the layout, but could alleviate some of the citizens’ concerns.

In reply to a question from Commissioner Hart, Mr. Riegler stated that the benefits provided by the P-District made the application better than a conventional residential development, noting the stream restoration, stormwater retention, and removal of invasive plant species. He added that the citizens’ comments would be considered during the deferral period.

Commissioner Donahue also expressed concern about the “wall” created by the houses, and echoed earlier suggestions to reduce the number of houses in the development. He also said that the subject site might indeed be appropriate for three to four dwelling units per acre; however, it also might not.

Answering questions from Commissioner Donahue, Mr. O’Donnell explained that the open space consisted of buffers along the entire periphery of the site; two pedestrian amenity areas on the north and south sides of the property; and a significant stream restoration area on the south side of the property. He confirmed that the driveways and side yards were not included in the open space.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman Alcorn closed the public hearing and recognized Commissioner Hall for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON RZ/FDP 2011- MA-029 TO A DATE CERTAIN OF MARCH 8, 2012, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENTS.

Commissioners Hart and de la Fe seconded the motion which carried unanimously with Commissioner Litzenberger not present for the vote; Commissioner Murphy absent from the meeting.

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The meeting was adjourned at 1:54 a.m.
Peter F. Murphy, Jr., Chairman
Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: July 26, 2012

Kara A. DeArrastia, Clerk to the
Fairfax County Planning Commission