

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, MARCH 4, 2015**

PRESENT: Peter F. Murphy, Springfield District  
Frank A. de la Fe, Hunter Mill District  
James R. Hart, Commissioner At-Large  
John C. Ulfelder, Dranesville District  
James T. Migliaccio, Lee District  
Julie Strandlie, Mason District  
Earl L. Flanagan, Mount Vernon District  
Kenneth A. Lawrence, Providence District  
John L. Litzenberger, Jr., Sully District  
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Ellen J. Hurley, Braddock District  
Timothy J. Sargeant, Commissioner At-Large

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The meeting was called to order at 8:16 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

On behalf of the Planning Commission, Chairman Murphy expressed condolences to the family of Judith W. Downer, former Planning Commissioner representing the Dranesville District, who passed away on February 25, 2015. He noted that Ms. Downer had been the Commission Parliamentarian, had been recognized by the Board of Supervisors and the Herndon Town Council for her work, named "Lady Fairfax" representing the Dranesville District, and named "Citizen of the Year" by the Herndon Rotary Club and Greater Herndon Jaycees.

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On behalf of the Planning Commission, Chairman Murphy congratulated Jacob Caporaletti for his promotion from Administrative Assistant III, Associate Clerk, to Administrative Assistant IV, Deputy Clerk. Chairman Murphy noted that Jacob had worked for the Planning Commission Office since 2011 and commended him for his work and dedication.

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Commissioner Hart announced that the Planning Commission's Environment Committee would meet at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center on the following dates:

- March 25 – Electric Vehicle Charging Station Infrastructure

- April 15 – Building Energy

He added that everyone was welcome to attend.

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Chairman Murphy announced that the Planning Commission meeting scheduled to take place on Thursday March 5, 2015 was canceled.

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Chairman Murphy announced that Commissioner Litzenberger would chair the Commission's Capital Improvement Program (CIP) Committee in Commissioner Sargeant's absence. In addition, he announced that the committee meeting scheduled for Thursday, March 5, 2015, was canceled and rescheduled, and introduced Jill Cooper, Executive Director of the Planning Commission, to announce the CIP schedule as follows:

- CIP Workshop and CIP public hearing – Wednesday, March 11, at 8:15 p.m. – Board Auditorium of the Fairfax County Government Center
- CIP committee – Thursday, March 19, 2015, at 7:00 p.m. – Board Conference Room

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Ms. Cooper announced that the Commission's Policy and Procedures Committee originally scheduled for March 5, 2012, would be rescheduled to Thursday, March 12, 2015, at 7:00 p.m. in the Board Conference Room.

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FS-L15-2 – VERIZON WIRELESS, 7210 Old Keene Mill Road

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION FIND THAT FS-L15-2, LOCATED AT 7210 OLD KEENE MILL ROAD, IS A "FEATURE SHOWN," PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to concur with the "feature shown" determination in FS-L15-2, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Hurley and Sargeant were absent from the meeting.

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FS-L14-46 – VERIZON WIRELESS C/O NBC, LLC, 5911 Kingstowne Village Parkway

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION FIND THAT FS-L14-46, LOCATED AT 5911 KINGSTOWNE VILLAGE PARKWAY, IS A “FEATURE SHOWN,” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to concur with the “feature shown” determination in FS-L14-46, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Hurley and Sargeant were absent from the meeting.

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SE 2014-SU-070 – GRICELDA FLORES/SUNBEAM FAMILY CHILD CARE

Commissioner Litzenberger: DUE TO AN AFFIDAVIT ISSUE, I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SE 2014-SU-070 TO A DATE CERTAIN OF APRIL 29<sup>TH</sup>, 2015.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion? All those in favor of the motion to defer the public hearing on SE 2014-SU-070, which was scheduled for public hearing this evening, which is the Sunbeam Child Care center, to a date certain of –

Commissioner Litzenberger: – April 29<sup>th</sup>.

Chairman Murphy: – April 29<sup>th</sup>, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Hurley and Sargeant were absent from the meeting.

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SE 2014-PR-032/2232-P14-4 – VIRGINIA ELECTRIC & POWER COMPANY d/b/a DOMINION VIRGINIA POWER (Decision Only) (The public hearing on this application was held on February 11, 2015.)

Commissioner Lawrence: Mr. Chairman, tonight we have the decision on SE2014-PR-032 and its accompanying 2232 plan. We had the public hearing on this matter on February 11<sup>th</sup>. There are two items I will move tonight. The first is the instant application and I will have a follow-on motion after we vote that matter. During the deferral of the decision on this application, we met with representatives of the applicant and the community. We reviewed community concerns and considered specific contributions – thoughtful contributions – they made to the development conditions. Commissioners have received the resulting set, now dated March 2<sup>nd</sup>, 2015, along with a summary of the changes made to the conditions. Mr. Chairman, I want to say that the efforts by staff, the applicant, and the thoughtful work of the community deserve many thanks. I also want to thank those who took the time to comment on the application by speaking at the hearing and through correspondence since. There are two areas of community concern that I need to address now. First, there are people who are concerned about the presence of electromagnetic fields at the power station. I must repeat what I said at the public hearing. The Planning Commission has no authority to rule on this aspect of electrical service provision. We can only consider land use rules here. Second, there is concern about the impact of the proposed expansion of the station on the value of residential properties close by. We have not been able to ascertain in any decisive way whether or to what degree or for how long there might be such effects. The grounds for deciding recommendations to the Board of Supervisors on the application those to be found in the staff analysis, the SE plat, and the development conditions in their present form. I believe we have achieved all that we can in terms of mitigating the impact of the proposed expansion of the power station capacity at this site; however, I do not believe that our recommendations on the instant application are enough or that this should be the end of the matter. For those reasons I will have a further motion to make following the ones on the case. In preparation for motions, and to report on one other item, will the applicant's representative please come forward?

Gregory Riegler, Esquire, McGuireWoods, LLP: Good evening, Mr. Chairman, members of the Commission. I'm Greg Riegler and I represent the applicant.

Commissioner Lawrence: Mr. Riegler, does the applicant accept the development conditions now dated March 2<sup>nd</sup>, 2015?

Mr. Riegler: Yes, Mr. Lawrence, we do.

Commissioner Lawrence: Thank you. Mr. Riegler, do you have something to report on a communication about further work on this site?

Mr. Riegler: I'm delighted to report on that and to give the commission context, this was something we discussed in the community meeting that was referenced and – and I would, to begin, echo your comments and your praise for the constructive tone of the discussions and the constructive participation of all involved. If you may recall from the public hearing, we described sort of an evolutionary tale of this application where it was originally proposed to be much larger, made smaller, and we made a representation at the time of the time of the public hearing that what was in front of the commission was all that was currently in the planning process for Dominion. The community understandably has had ongoing concerns about whether or not we're going to be immediately back with something else. We've done our best to assuage

those concerns and Mr. Lawrence had suggested very correctly that between now and the finish line it would perhaps be helpful for Dominion to put a declarative statement – written statement in the record from someone of responsibility in the company. And we will do that before this goes to the Board of Supervisors. And I say that not to undercut typical development conditions, but it's more of a reflection just to transparency and openness and I think the essence of that message is – is that yes, utility planning is ongoing, but we would not anticipate coming back to this site unless there is a – it's preceded by a thorough planning process, consideration of alternatives, and there's a compelling reason to need to be back. And that's certainly not where we are now, but if we want to be transparent and open with the community, we'll make sure that's in the record before we finish this process.

Commissioner Lawrence: Thank you, Mr. Riegler. If I understood you correctly, it means the community will have an interlude of peace.

Mr. Riegler: That's was known at the moment, yes, sir.

Commissioner Lawrence: Thank you very much. Mr. Chairman. I CONCUR WITH STAFF'S CONCLUSION THAT THE PROPOSAL BY VIRGINIA DOMINION POWER TO REDEVELOP THE IDYLWOOD SUBSTATION AT 7701 AND 7707 SHREVE ROAD, FALLS CHURCH, SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN *VIRGINIA CODE* SECTION 15.2-2232; THEREFORE, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION 2232-P14-4 SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioners Flanagan and Hart: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to approve 2232-P14-4, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Lawrence.

Commissioner Lawrence: In addition, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-PR-032, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE NOW DATED MARCH 2<sup>ND</sup>, 2015.

Commissioners Litzenberger, Flanagan, and Hart: Second.

Chairman Murphy: Seconded by Mr. Litzenberger, Mr. Flanagan, and Mr. Hart. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-PR-032, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE LANDSCAPING WAIVERS AS DESCRIBED IN THE STAFF REPORT, DATED JANUARY 28<sup>TH</sup>, 2015.

Commissioners Litzenberger, Flanagan, and Hart: Second.

Chairman Murphy: Seconded by Mr. Litzenberger, Mr. Flanagan, and Mr. Hart. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-PR-032, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Thank you, Mr. Chairman. I move Now, to my follow-on motion. Mr. Chairman, during the work with Dominion on the Idylwood application, it became apparent that county policies on mitigating the visual impact of power station facilities are not congruent with those of the State Corporation Commission and Dominion. While there are very good reasons for this divergence, it has the practical effect of limiting what we can do to help nearby residential. For example, we depend on vegetation screens to shield residential from the appearance of the ground equipment, but there are severe limits on the height of plantings at Dominion sites and in transmission line easements. As a second example, we encourage working equipment locations into the contours of the terrain at sites. Dominion engineers plan for level sites with a two- or three-percent grade. As the county continues to grow, and as demand per capita also grows, there will surely be expansions needed at Dominion sites in many places. I believe we should proactively seek ways to get better solutions on mitigation. Dominion has an undergrounding program in its initial stages. There is a procedure for requesting encroachments into transmission line easements, and there are procedures for determining the alignment of new easements. I believe we can use these and other avenues to gain better achievement of County goals while respecting those of our state-regulated electric power utility. Therefore, Mr. Chairman, I make the following motion: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO WORK WITH DOMINION AND STATE OFFICIALS TO EXPLORE THE FEASIBILITY AND PRACTICALITY OF VARIOUS APPROACHES TO HARMONIZING OBJECTIVES IN MITIGATING THE IMPACT ON ADJACENT AND NEARBY PROPERTIES, OF ELECTRIC POWER STATION CONSTRUCTION OR EXPANSION, INCLUDING BUT NOT NECESSARILY LIMITED TO, THE FIVE TASKS LISTED HERE:

1. FORMULATING REQUESTS FOR ENCROACHMENT INTO DOMINION EASEMENTS IN PROXIMITY TO RESIDENTIAL AREAS AT GROUND STATIONS, WITH A VIEW TO RELIEF FROM THE "LOWEST COMMON DENOMINATOR" GROWTH HEIGHT POLICY AT AND NEAR THE EDGES OF THE EASEMENTS TO ALLOW BETTER VEGETATIVE SCREENING

- WHILE PRESERVING THE SAFETY AND RELIABILITY CLEARANCE REQUIREMENTS;
2. MAKING THE UNDERGROUNDING OF DISTRIBUTION LINES A PART OF EXPANSION ACTIVITIES AT DOMINION SITES IN RESIDENTIAL AREAS;
  3. IDENTIFYING ANY AND ALL DOMINION STATIONS LOCATED IN COMMERCIAL OR INDUSTRIAL AREAS AND DETERMINING WHETHER AND WHAT SHARE OF SERVICE CAPACITY ADDITION FOR THE COUNTY CAN BE DONE USING THOSE STATIONS AS THE SITES TO BE EXPANDED;
  4. FOR STATIONS IN RESIDENTIAL AREAS, EXPLORE THE POTENTIAL FOR RELOCATION TO COMMERCIAL OR INDUSTRIAL AREAS IN TERMS OF THE NEED FOR NEW EASEMENTS FOR TRANSMISSION LINES AND THE LIKELIHOOD OF OBTAINING THEM, AS WELL AS THE LEAD TIMES REQUIRED; finally,
  5. FOR STATIONS IN RESIDENTIAL AREAS THAT ARE LIKELY TO BE EXPANDED, EXPLORE THE AVENUES FOR REDUCING THE ABOVE-GROUND PROFILE OF THE EQUIPMENT, SUCH AS PADS SUNK BELOW GRADE LEVEL.

STAFF SHOULD PERFORM A PRELIMINARY REVIEW OF THE TASKS AND REPORT TO THE BOARD ON THE PROSPECTS FOR EACH ONE, ON ANY OTHER TASKS THAT WOULD BE IN ORDER, ON THE STAFF RESOURCES NEEDED, AND ON THE TIMES REQUIRED, ON A DATE TO BE DETERMINED BY THE BOARD.

Commissioners Litzenberger and Hedetniemi: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Ms. Hedetniemi. Is there a discussion on -

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hart: I'd just – I'd like to suggest a friendly amendment. Those of us in the R-C don't have Dominion. We have NOVEC. But we have the same substations. We have the same screening issues. And in the motion where it says "Dominion" –

Commissioner Lawrence: Do you want to include NOVEC?

Commissioner Hart: Let's include NOVEC, too, and –

Commissioner Lawrence: AMENDMENT ACCEPTED.

Commissioner Hart: The issue should be the same.

Commissioner de la Fe: You can just say electric providers.

Commissioner Hart: Yes, or industry or something like that.

Commissioner Lawrence: Amendment accepted.

Chairman Murphy: Seconders accept?

Commissioners Litzenberger and Hedetniemi: Yes.

Chairman Murphy: All those in favor of the motion as articulated – I won't repeat the motion, thank you. All those in favor of the motion as articulated by Mr. Lawrence, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 10-0. Commissioners Hurley and Sargeant were absent from the meeting.

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#### ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. CSP 2014-PR-001 – TYSONS PARTNERSHIP, INC.
2. SE 2014-DR-052 – TRINITY LAND, LLC

This agenda was accepted without objection.

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CSP 2014-PR-001 – TYSONS PARTNERSHIP, INC. – Appl. under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan. Located on the northern quadrant of the intersection of Route 7 and Route 123, on approx. 14, 697 sq. ft. of land zoned C-8, SC, and HC. Tax Map 29-3 ((1)) 78B.  
PROVIDENCE DISTRICT. PUBLIC HEARING.

Michael Van Atta, 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 application CSP 2014-PR-001.

There were no disclosures by Commission members

Elizabeth Baker, Land Use Coordinator, Applicant's Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, stated that the application proposed a simple design for a sign on a water tower. She added that the sign was simple in design, but would identify Tysons Corner now and in the future.

Commissioner Lawrence suggested the applicant consider modifying the sign to be more welcoming by phrasing it to say, "Welcome to Tysons," instead of simply, "Tysons." Ms. Baker concurred with Commissioner Lawrence, but stated that welcome and departure signs were located along the major entrance/exit routes in Tysons; thus, the approach for the water tower was a more simple and classic sign with a minor flare in the font.

Commissioner Ulfelder asked where the northeast sign could be seen from street level. Ms. Baker said it would be visible from Pinnacle Drive.

Commissioner Migliaccio agreed with Commissioner Lawrence regarding extra wording, but questioned how much additional square footage would be required for it. Ms. Baker estimated that 200 square feet would be needed.

Catherine Lewis, ZED, DPZ, said that she did not know how much additional square footage would be required. She noted that if the Commission wished to add verbiage to the sign, the decision should be deferred so that the applicant could develop a new exhibit depicting the complete sign.

Commissioner Lawrence suggested that the decision be deferred for the applicant to develop a new sign with acceptable verbiage.

Chairman Murphy stated that the proposed sign was acceptable and said that there was no need for additional language. Commissioner Lawrence agreed, but said that he would still like to see more samples with additional language.

Commissioner Hedetniemi suggested adding an exclamation point after "Tysons," however, Ms. Baker stated that the logo and font would be enough.

Commissioner de la Fe agreed with Chairman Murphy's remarks and said that the water tower sign would simply identify the Tysons area.

In response to a question from Commissioner Flanagan, Ms. Baker explained that the Tysons logo had existed for several years and the applicant had simply decided to follow along that line of thinking.

Commissioner Ulfelder stated that a sign on the water tower was not feasible because it would not be visible to everyone.

Commissioner Hart pointed out that too many words on the sign would make it illegible for drivers; therefore, a simpler sign would be better.

Chairman Murphy 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, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on this item.

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Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 2014-PR-001, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 17<sup>TH</sup>, 2015, and that's it.

Commissioners: Second.

Chairman Murphy: Seconded unanimously by the Planning Commission. Is there a discussion of the motion? All those in favor of the motion to approve CSP 2014-PR-001, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Hurley and Sargeant were absent from the meeting.

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SE 2014-DR-052 – TRINITY LAND, LLC – Appl. under Sects. 9-615 and 3-104 of the Zoning Ordinance to permit residential cluster subdivision. Located at 11801 Leesburg Pike, Herndon, on approx. 28.94 ac. of land zoned R-1 and HD. Tax Map 6-3 ((1)) 33 and 33A. LEE DISTRICT. PUBLIC HEARING.

Stuart Mendelsohn, Esquire, Applicant's Agent, Holland & Knight, reaffirmed the affidavit dated January 9, 2015.

There were no disclosures by Commission members.

Michael Van Atta, 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 application SE 2014-DR-052.

Commissioner Ulfelder noted that citizens had expressed concern about the proposed access from Sugarland Road, rather than off of Route 7 and requested an explanation for the proposed access. Mr. Van Atta pointed out that the Architectural Review Board's (ARB) Dranesville Tavern Design Guidelines recommended limited or reduced access from Leesburg Pike (Route 7). In addition, he noted that the Virginia and Fairfax County Departments of Transportation

(VDOT and FCDOT, respectively) preferred the Sugarland Road access to minimize traffic conflicts on the heavily traveled Route 7. He further added that it was determined that access from Route 7 would require travel through an existing resource protection area (RPA). Mr. Van Atta also noted that review of alternative routes showed that they would go through an existing neighborhood not planned for redevelopment.

Commissioner Ulfelder noted citizen concern regarding stormwater runoff on the site and asked Mr. Van Atta to explain how the application might mitigate the problem. Mr. Van Atta explained that there was existing runoff which drained into an existing culvert under Sugarland Road, with some additional flooding. He stated that this application proposed to alleviate that runoff by channeling the water northward toward Route 7 into a bioretention facility and dry pond, with the remainder of the water being channeled into the open space area to the north.

Commissioner Ulfelder noted that although there were no transitional screening or barrier requirements for the site, the applicant proposed buffering and asked Mr. Van Atta to describe where it would be located. Mr. Van Atta explained that there would be buffering provided on the western and northern portions of the site, which included many of the existing trees. He also noted that many of the trees along Sugarland Road would be preserved. Commissioner Ulfelder asked if the proposed access would align with Clinch Road, to which Mr. Van Atta replied that it would.

Commissioner Migliaccio referenced Development Condition Number 26, regarding the parks and public facilities contribution, and asked what the approximate offset would be for the trail and community amenity gathering area. Mr. Van Atta deferred to the applicant for a response.

Commissioner Hart noted that several of the lots in the application appeared to be situated in a way that might not allow improvements such as a sunroom, screened porch, or deck. He suggested that a development condition or proffer be included that would specify those lots and require disclosure to the purchasers of the lots that such improvements could not be made to the houses. Mr. Van Atta stated that staff had discussed this issue with the applicant and said that a development condition would be appropriate.

Commissioner Flanagan asked staff if a specific footage was considered when discussing the development condition mentioned by Commissioner Hart. Catherine Lewis, ZED, DPZ, said that while staff would make it a point to look for such lots, no footage standard was used in the determination.

Commissioner Strandlie referenced Development Condition Number 26, regarding the parks and public facilities contribution, and stated that, contrary to Fairfax County Public Schools (FCPS) Analysis on page 11 of the staff report, there was an impact to the public schools from this proposal and asked why no contribution would be provided by the applicant. Ms. Lewis explained that the school impact fee was based on the local zoning, not the residential development. Commissioner Strandlie said that the county's schools needed such contributions and suggested the applicant provide one.

Commissioner Lawrence cautioned that the disclosure development condition be worded to ensure that the disclosure continued to every purchaser for each property.

Mr. Mendelsohn concurred with the staff report and noted that the density would not be increased with this proposal, noting that the overall site, however, would be improved. He stated that the application was in compliance with the Comprehensive Plan recommendations for cluster residential and added that the applicant would preserve over nine acres of RPA. He said that access would be off of Sugarland Road as a result of the Architectural Review Board's Dranesville Tavern Design Guidelines recommending limited or reduced access from Leesburg Pike. In addition, he reiterated that VDOT and FCDOT preferred Sugarland Road to minimize traffic conflicts on Route 7, as well as the issue regarding traveling through the RPA. He stated that he had met with a number of the neighbors and the Great Falls Citizens Association. In addition, he noted that county staff had agreed to allow the applicant to continue using the access road from Route 7 throughout the development process to mitigate the construction impacts on the Sugarland Road residents. Addressing Commissioner Strandlie's concerns, Mr. Mendelsohn said that the applicant would provide improvements that would allow for parents to queue along Sugarland Road to drop children off for the school bus. He further noted that the applicant would also provide mitigation to greatly improve existing stormwater runoff issues. He added that the proposal would meet current tree canopy requirements and added that additional buffering would be provided. He pointed out that the proposed application would provide a better solution for the site than by-right development and would better resolve the stormwater runoff. He addressed Commissioner Hart's concerns and said that all of the houses would be able to have decks.

Commissioner Migliaccio referenced Development Condition Number 26 and asked what the offset would be for the trail and guest area. Mr. Mendelsohn said that the gazebo and trail would cost approximately \$40,000. When Commissioner Migliaccio asked where the miniature golf course would be located, Mr. Mendelsohn stated that he did not know at this time.

Commissioner Ulfelder noted that he had spoken with Woody Fitzhugh, owner of Woody's Golf Range, and had suggested that Mr. Fitzhugh contact the Northern Virginia Regional Park Authority about finding a location for the miniature golf course.

Commissioner Hart pointed out that decks were not the issue, but rather the addition of lattice work at the bottom, which the county Zoning Administration Division deemed an addition. He thus noted that a homeowner might put in what might be a deck to him, but was in fact an addition to the county Zoning Administrator. He added that the same held true for sunrooms and screened porches. He stated that such conflicts could be avoided when the owners understood this limitation upfront. He then asked Mr. Mendelsohn how the site would be developed by-right. Mr. Mendelsohn explained that most of the driveways would go onto Sugarland Road, with a few going to Route 7. Additionally, he said that the residential lots would be divided into the RPA, with the homeowners caring for it instead of the HOA. When Commissioner Hart asked if there was a development condition that prohibited driveways onto Sugarland Road, Mr. Mendelsohn said no, but noted that the Comprehensive Plan did.

Commissioner Flanagan referenced the development conditions 5 and 6, "Homeowners Association," (HOA) and asked Mr. Mendelsohn if the existing HOA had covenants in place. Mr. Mendelsohn said that there were covenants and added that they would be recorded prior to the sale of the first house.

Commissioner Strandlie suggested that the covenants be written so as not to be too specific and/or hinder future homeowners. She then reiterated her earlier remarks about the schools contribution and asked if Mr. Mendelsohn would consider one. Mr. Mendelsohn stated that the proposal would not increase the density, but said that he would be willing to discuss the issue. He further noted that the schools impact formulation been included in the application and, therefore, no contribution would be required since there was no planned increase in residents. Chairman Murphy referenced Fairfax County Public Schools (FCPS) Analysis on page 11 of the staff report and pointed out that it indicated that there would be no impact from this application.

Commissioner Ulfelder noted the number of houses with their backs facing Sugarland Road and suggested a development condition to address how they would look from the road. Mr. Mendelsohn said that he would be happy to discuss it further. Ms. Lewis stated that staff had addressed this issue in previous applications and would help to provide appropriate language.

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

David Donovan, 1166 Silver Beech Road, Herndon, stated that while he did not opposed the construction of new homes, he was very concerned about safety on Sugarland Road and the surrounding road network. He pointed out that vehicles often traveled at 50 miles per hour while residents waited to pull onto the road. He said that the addition of the new homes would only exacerbate the existing traffic issue.

Matthew Clyne, 1173 Silver Beech Road, Herndon, agreed with Mr. Donovan's concerns regarding Sugarland Road and the traffic issues. He added that the nearby Forest Elementary School could not have room for the additional students without the funding to accommodate them. He referenced General Standard 4, regarding traffic, on page 13 of the staff report, and stated that while the standard stated that, "the proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict" with existing traffic, Sugarland Road could not handle the additional traffic from the proposed development because it was so dangerous. He further added that the proposed improvements would only serve the new development and would do little for the surrounding road network. Additionally, he pointed out that the new development would have smaller lots than the surrounding area where the decks would back up to the lot lines.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Mendelsohn, who pointed out that if the site were developed by-right nothing would change, including the traffic concerns brought up by both speakers.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Ulfelder for action on this case.

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Chairman Murphy: Public hearing is closed; Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. I think this evening, a couple of – some issues have been raised and I think I will move to defer. So, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2014-DR-052 TO A DATE CERTAIN OF MARCH 12<sup>TH</sup>, 2015.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to defer decision only on SE 2014-DR-052 to a date certain of March 12, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Hurley and Sargeant were absent from the meeting.

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The meeting was adjourned at 9:51 p.m.  
Peter F. Murphy, Chairman  
James R. Hart, 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: September 17, 2015



John W. Cooper, Clerk to the  
Fairfax County Planning Commission