

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MARCH 26, 2015**

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

ABSENT: John L. Litzenberger, Jr., Sully District
Timothy J. Sargeant, Commissioner At-Large

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The meeting was called to order at 8:15 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

Chairman Murphy announced the Planning Commission would not meet for the next two weeks while the Board of Supervisors had its public hearings on the budget. He said the Planning Commission's next meeting would be on Wednesday, April 15, 2015. In addition, he stated that the Planning Commission's Policy and Procedure Committee would also meet on that date at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center.

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MINUTES APPROVAL FOR JULY 2014/SEPTEMBER 2014

Commissioner Hart: Thank you, Mr. Chairman. You all should have received sets of minutes from Mr. Cooper, which were distributed within the last couple weeks. I AM MOVING TONIGHT THAT WE APPROVE THE MINUTES THAT WERE DISTRIBUTED FOR THE MONTHS OF JULY AND SEPTEMBER 2014 FOR ALL THE DATES THAT WERE IN MR. COOPER'S TRANSMITTAL.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion? All those in favor of the motion to approve the minutes, as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Mr. Chairman?

Commissioner Hart: Mr. Chairman, we're going to have a few more shortly and we're going to – oh, Julie, I'm sorry.

Commissioner Strandlie: I need to abstain because I was not on the Commission at that time.

Chairman Murphy: Oh Mr. Strandlie – Ms. Strandlie abstains. She was not – she was not here – good reason for abstaining.

Commissioner Hart: Mr. Chairman, we're going to have a few more so please stay tuned and we're going to try and stay on track.

Chairman Murphy: Okay. Thank you very much.

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(The motion carried by a vote of 9-0-1. Commissioner Strandlie abstained. Commissioners Litzenberger and Sargeant were absent from the meeting.)

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SE 2014-DR-057 – STEPHEN C. BRYAN & SALLY T. BRYAN (Decision Only)
(The public hearing on these applications was held on March 19, 2015.)

Commissioner Ulfelder: Thank you, Mr. Chairman. We had a hearing last week and there were a couple of issues that needed to be taken care of. And today, you should've received copies of – with the revised conditions – proposed conditions in the SE 2014-DR-057, with Stephen and Sally Bryan at Rockland Terrace – as well as some revised plats, in the event that they decide to retain the existing house as part of the four-house cluster subdivision. Would a representative of the applicants please come forward? While he's coming forward, I think we addressed many of the issues that were discussed and that came up at the public hearing last week. And I think they're adequately addressed in the revised conditions. So let's – Mr. Allman, does the applicant confirm, for the record, that they agree to the proposed development conditions dated March 28 – 26, 2015?

Matthew Allman, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Yes. On behalf of the applicant, I can confirm that we have read, understand, and agree to the conditions.

Commissioner Ulfelder: Okay. Thank you.

Chairman Murphy: And please identify yourself for the record, just so we have it all together.

Mr. Allman: I apologize.

Chairman Murphy: That's okay.

Mr. Allman: Matthew Allman from the law firm of Walsh Colucci.

Chairman Murphy: Thank you very much.

Commissioner Ulfelder: Thank you.

Mr. Allman: Thank you.

Commissioner Ulfelder: Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-DR-057, SUBJECT TO CONDITIONS DATED – now dated MARCH 26TH, 2015.

Commissioners de la Fe and Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-DR-057, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: One more motion. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF MINIMUM DISTRICT SIZE TO 5.63 ACRES.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: That's it.

~~Chairman Murphy: Thank you very much.~~

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

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PCA 1998-MV-032/PCA 1998-MV-033/SEA 81-V-017-02 – FAIRFAX COUNTY WATER AUTHORITY (Decisions Only) (The public hearing on these applications was held on February 12, 2015.)

Commissioner Flanagan: Yes, Mr. Chairman. I request that the representative for the Fairfax County Water Authority confirm, on the record, their agreement to the proposed Special Exception Amendment development conditions dated March 10, 2015.

John McGranahan, Jr., Esquire, Applicant's Agent, Hunton & Williams, LLP: Thank you, Mr. Flanagan. For the record, my name is John McGranahan with the law firm of Hunton & Williams and I do confirm the applicant's agreement with the conditions dated March 10.

Commissioner Flanagan: Thank you.

Chairman Murphy: Thank you very much.

Commissioner Hurley: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Hurley: I was not here for the public hearing, but I did read all the letters that were sent to me and I did watch the video of the public hearing and I do intend to vote on this matter.

Chairman Murphy: Okay thank you.

Mr. McGranahan: Thank you.

Chairman Murphy: Thank you, Mr. McGranahan. Mr. Flanagan, please.

Commissioner Flanagan: Thank you, Mr. Chairman. On March 19, we deferred the decisions on applications SEA 81-V-017-02, PCA 1998-MV-032, and PCA 1998-MV-033 to tonight in order to facilitate a closed session discussion of security issues. Public hearing testimony was previously given on February 12th, primarily about two issues:

- One, the quarry blasting limitations needed to, "Protect nearby residential buildings from noise and vibration," and required in the Comprehensive Plan – as required in the Comprehensive Plan; and
- Two, a proposed alternative to the Overlook – Occoquan Overlook Trail, a long standing recommendation in the Comprehensive Plan.

It is my intention tonight to recommend approval of the Water Authority Special Exception and Proffered Condition applications with a follow-on motion about blasting. As to the blasting issue, the Comprehensive Plan text allows for blasting, but requires the Planning Commission to be

satisfied that such blasting will “Protect nearby residential buildings from noise and vibration.” Blasting limits, however, are now set by the Board of Zoning Appeals. Last week, you received testimony I presented to the Board of Zoning Appeals on March 4th, which I believe adequately addresses February 12 testimony we heard about updating current blasting limits. The BZA, however, has deferred a decision on blasting limits until May 4. My follow-on motion responds to the BZA’s March – May 4 deferral decision since the General Requirement 3 for approving a Special Exception by the Board of Supervisors requires that the quarry use for creating the future Water Authority Reservoir, “Shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan.” As to the trail issue, no doubt you have been inundated (pardon the pun) with visits, phone calls, and emails that prefer the Occoquan Overlook Trail location in the Comprehensive Plan that would require a southern easement along the Occoquan River from the Water Authority. Staff in the staff report and Park and Transportation appendices also prefers the planned location. In addition, testimony by the public overwhelmingly not only prefers the Occoquan Overlook Trail location, but provides assurances that the entire missing link between the Sandy Run and Occoquan Regional Parks could be constructed immediately upon approval of the pending Special Exception. The Water Authority has instead voluntarily proposed an alternate to the planned southern easement with a Northern Trail easement across Water Authority property, but defers assurance of a connection to the Sandy Run Regional Park upstream to an indefinite future and thereby creates a trail to nowhere and possible trespass across private property by trail users at the dead end. The Water Authority has generally indicated that the southern alignment of the trail raises security concerns and they more specifically detailed those concerns in a closed session discussion that we had on March 19, as permitted by *Virginia Code* Section 2.2-3711(19). I would like to thank Mr. McGranahan, the applicant’s agent, for proposing an additional Condition 19 since March 19 to assure that the trail proposed by the Water Authority is not a trail to nowhere, but constructed when easements are available that will assure connection to Sandy Run Regional Park upstream. I would have supported such a condition, but staff prefers not to support for enforcement reasons. I THEREFORE MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 81-V-017-02 FOR THE FAIRFAX COUNTY WATER AUTHORITY, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED MARCH 10, 2015 AND APPROVE PCA 1998-MV-032 AND PCA 1998-MV-033, SUBJECT TO THE EXECUTION OF PROFFERS DATED NOVEMBER 4, 2014.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? I think we should each application individually. All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 81-V-017-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Chairman Murphy: All those who – in favor of the motion to recommend to the Board of Supervisors that it approve PCA 1998-MV-032, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: I further move that the –

Chairman Murphy: Wait a minute – one more.

Commissioner Flanagan: Oh you got one more?

Chairman Murphy: Yes – move that the Planning Commission recommend to the Board of Supervisors to approve PCA 1988 – 1998-MV-033, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: I FURTHER MOVE, Mr. Chairman, THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE:

- A MODIFICATION OF SECTION 13-303 AND SECTION 13-304 OF THE ZONING ORDINANCE IN FAVOR OF THE TRANSITIONAL SCREENING AND BARRIERS, AS SHOWN ON THE SEA PLAT; AND
- A MODIFICATION OF SECT. 17-201, REQUIRING TRAILS ALONG THE OCCOQUAN RIVER AND ALONG OX ROAD ARE GENERALLY – AS GENERALLY DEPICTED ON THE COUNTYWIDE TRAILS PLAN IN FAVOR OF THE TRAIL SHOWN ON THE SEA PLAT AND DESCRIBED IN THE DEVELOPMENT CONDITIONS.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Thank you. Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS CONSIDER THAT THE PLANNING COMMISSION MOTIONS REGARDING SEA 81-V-017-02 ARE BASED ON TESTIMONY REGARDING BLASTING LIMITATIONS PROVIDED TO THE PLANNING COMMISSION ON FEBRUARY 12 AND THE BOARD OF ZONING APPEALS ON MARCH 4.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Thank you. That's all, Mr. Chairman. But I would like to say one thing about this.

Chairman Murphy: Please do.

Commissioner Flanagan: As you can imagine, this has been going on for two or three years. And I would like to compliment Nick Rogers, in particular, for the outstanding work that he's done.

Chairman Murphy: Yes. Here here.

Commissioner Flanagan: You know – giving me all the – hearing all – taking all my calls every – almost every day, I think – also, Bill Mayland, who has been most helpful in that regard. So I really do appreciate the – your guidance, you know, in coming to this conclusion tonight.

Chairman Murphy: Thank you. And thank Mr. Flanagan for doing a great job. He told me that after this application, all he wants to do is Agricultural and Forestal District so – I mean, that just shows you where we're going. And I don't blame him. I think he needs a little vacation. Great job, Earl. Yes, Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. I just wanted to add that at the public hearing I had raised concerns about being faced with making a decision with – based on the information that was available at that time in the public forum. And I very much appreciate the fact that we were able to have the – the security briefing and executive session in order to go over the concerns. And I just wanted to add that this approach is permitted as an exception to the open meetings law – I want people to understand that – under Code Section 2.2-3711(19). And it allows us as members of a public body to hear and consider in a confidential setting plans to protect public safety, as it relates to terrorist activities or a related threat to public safety – as well as detailed discussions or reports or plans, relating to the security of governmental facilities, buildings, or structures. And in enacting the exemption, the General Assembly implicitly found that individuals like us who are appointed to public bodies occupy a position of trust and should be permitted to factor what is heard in this confidential setting into their decisions. I think, in this case, the applicant meticulously described in the closed session the specific threats that are posed by a publicly accessible southern alignment of the trail, as recommend in the Comprehensive Plan. But I believe that, in accordance with that statute, that I have a duty – as do the other members of the Planning Commission – as part of the public trust invested in us to consider this information in casting our votes and that's what I did in this case.

Chairman Murphy: A good statement. Thank you very much. I think as we travel down this uncertain road, we're going to see a lot more applications that come in that we have to take

security – security issues into consideration as we look at the infrastructure of facilities in our County. The phrase, “It’ll never happen here,” does not apply anymore anywhere.

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: I’d just like to observe that a fundamental function of government is public safety. Public safety can take on many dimensions in these days. Thank you, Mr. Chairman.

Chairman Murphy: Okay. Thank you very much.

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(Each motion carried by a vote of 10-0. Commissioners Litzenberger 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. AR 92-V-001-02 – CHARLES R. HOOFF/BELMONT BAY FARMS
2. FDPA C-448-35-01 – DANA ROBERT TOWNEND (Lee District)
3. RZ/FDP 2014-BR-019 – CHRISTOPHER AT KENILWORTH, LLC
4. RZ 2014-PR-025/SE 2014-PR-001 – 7799 LEESBURG PIKE, LLLP

This order was accepted without objection.

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AR 92-V-001-02 – CHARLES R. HOOFF/BELMONT BAY FARMS – A&F District Appl. Renewal authorized by Chapter 114 (County Code), effective June 30, 1983 to permit renewal of a previously approved agricultural and forestal district. Located at 10622 Belmont Blvd., Lorton, 22079, on approx. 287.65 ac. of land zoned R E. Tax Map 117-2 ((1)) 2Z, 4Z, and 15Z. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Commissioner Flanagan asked that Chairman Murphy 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, Chairman

Murphy closed the public hearing and recognized Commissioner Flanagan for action on this case.

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Chairman Murphy: Without objection, the public hearing is closed. Recognize Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT AR 92-V-001-02 BE APPROVED AND APPENDIX E OF THE FAIRFAX COUNTY CODE BE AMENDED TO RENEW THE BELMONT BAY FARMS STATEWIDE AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE ORDINANCE PROVISIONS CONSISTENT WITH APPENDIX 1 OF THE STAFF REPORT.

Commissioners Hedetniemi and Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence and Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve AR 92-V-001-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

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

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FDPA C-448-35-01 – DANA ROBERT TOWNEND – Appl. to amend the final development plans for RZ C-448 to permit modification of yard requirements and associated changes to development conditions. Located at 5648 Tower Hill Ci., Alexandria, 22315, on approx. 4,847 sq. ft. of land zoned PDH-4. Tax Map 91-2 ((12)) (42) 25. LEE DISTRICT. PUBLIC HEARING.

Dana Townend, Applicant/Title Owner, reaffirmed the affidavit dated December 8, 2014.

There were no disclosures by Commission members.

Commissioner Migliaccio asked that Chairman Murphy 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,

Chairman Murphy closed the public hearing and recognized Commissioner Migliaccio for action on this case.

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Chairman Murphy: Without objection, the public hearing is closed. Recognize Mr. Migliaccio.

Commissioner Migliaccio: Thank you. I would just – I would like to get the applicant on the record that you agree to the development conditions in the staff report dated March 11th, 2015.

Dana Townend, Applicant/Title Owner: I'm a – I'm a little hard of hearing, I apologize.

Commissioner Migliaccio: Do you agree with the development conditions in the staff report-

Mr. Townend: I did. Yes.

Commissioner Migliaccio: -dated March 11th.

Mr. Townend: All zoning and electrical work and everything has been –

Commissioner Migliaccio: But the – the specific development conditions attached to –

Chairman Murphy: Do you agree with the development conditions.

Mr. Townend: My apologies.

Commissioner Migliaccio: Here. Here's a copy of the –

Mr. Townend: Yes – this is the application.

Commissioner Migliaccio: We need you at the podium though.

Commissioner Hart: Please get it on the microphone.

Commissioner Migliaccio: You need – at the podium so we can catch every word, as Mr. Murphy likes to say.

Commissioner de la Fe: To agree to the conditions.

Chairman Murphy: All we need to do is to have you say you agree to the conditions. All you need to do is say you –

Mr. Townend: Yes.

Chairman Murphy: -agree with the conditions.

Mr. Townend: I – okay. I affirm the affidavit.

Chairman Murphy: Thank you – well, the conditions in the staff report.

Mr. Townend: Yes. I do. I do and those have been satisfied.

Chairman Murphy: Okay, thank you very much.

Commissioner Migliaccio: Thank you very much. That's it. Thank you.

Mr. Townend: Yes. Thank you.

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. Thank you, Mr. O'Donnell. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA C-448-35-01, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 11TH, 2015.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to approve FDPA C-448-35-01, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

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

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RZ/FDP 2014-BR-019 – CHRISTOPHER AT KENILWORTH, LLC – Appls. To rezone from R-1 to PDH-3 to permit single family detached with an overall density of 2.5 du/ac. and approval of the conceptual and final development plans. Located on S. side of Braddock Rd., approximately 150 ft. west of the intersection with Dequincey Dr., on approx. 3.59 ac. of land. Comp. Plan Rec: Residential 2-3 du/ac. Tax Map 69-1 ((1)) 29. BRADDOCK DISTRICT. JOINT PUBLIC HEARING.

John Regan, Applicant's Agent, Christopher Management, Inc., reaffirmed the affidavit dated February 9, 2015.

There were no disclosures by Commission members.

Commissioner Hurley explained that the subject applications had been delayed because inclement weather had canceled its original meeting date. In addition, she said that the subject property for these applications was located along Braddock Road near the Northern Virginia Training Center (NVTC), adding that there was an existing median along Braddock Road preventing access to the site. Commissioner Hurley then stated that the Rustburg Cove Community and the Braddock District Land Use Committee supported the proposal. She also noted that there was another infill development to the east of the site that was under construction, adding that staff would describe the development history of this area during the presentation of the staff report and the possible interparcel access features that could be implemented.

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 applications RZ/FDP 2014-BR-019.

Commissioner Hart pointed out three typographical errors in the revised set of proffers dated February 18, 2015, and suggested the following revisions:

- The first sentence of Proffer Number 17 should be revised to read, “As part of the contract of sale, the prospective purchaser shall be notified in writing by the Applicant of the maintenance responsibility for the storm water management facilities, common area landscaping, any other open space amenities and the obligations and possible future improvements in Proffer 28, 30 and 31;”
- The first sentence of Proffer Number 30A should be revised to read, “In the event the property to the northeast (Tax Map 69-1((1)) 30) needs to relocate the driveway or requests to use another connection, the applicant shall permit an inter-parcel connection to private serving Lots 1-3 and provide the necessary construction easements to allow the connection;” and
- The third to last sentence of Proffer Number 30B should be revised to read, “If the 15-foot outlet road is vacated, the property shall either be retained as open space by the HOA or shall be allowed to be subdivided as part of the rear yards for lots 6-9.”

Mr. O'Donnell did not object to these revisions.
(A copy of the revised set is in the date file.)

Clark Massie, Applicant's Agent, member of Christopher at Kenilworth, LLC, explained that the subject applications would permit an infill development on the subject property. He stated that the applicant had coordinated on these applications with the Virginia Department of Transportation, the Fairfax County Department of Transportation, staff, Supervisor John Cook's office, the Rustburg Cove Community, the Briar Wood Homeowners Association, the Braddock District Land Use Committee, the and the residents of the surrounding properties. Mr. Massie indicated that the proposal included numerous transportation improvements. He also said the density of the proposed development was approximately 2.5 dwelling units per acres, which was consistent with the density of the surrounding community. In addition, he stated that the

proposed development would include 30 percent open space, which was greater than the amount prescribed by the Zoning Ordinance.

In reply to questions from Commissioner Lawrence, Mr. Massie explained the following:

- The public street that would be constructed on the site was wider than the private street;
- The private street on the site would not permit street parking;
- The public street could accommodate guest parking, but this space could not be reserved;
- The dwelling units on the proposed development would utilize garages that could accommodate two vehicles and driveways that could accommodate two additional vehicles;
- The subject applications included a non-conversion provision for the garages of the dwelling units;
- The driveways for the dwelling units on Lots 4 and 5 were shorter than the driveways on the other lots, but these driveways could still accommodate two vehicles;
- The driveways for the dwelling units on Lots 4 and 5 were shorter to accommodate an access point for the stormwater management pond;
- The parking provisions for the site were sufficient to accommodate residents and guests without having to reserve spaces and staff concurred with this conclusion; and
- The parking provisions for the proposed development were greater than those prescribed by the Zoning Ordinance.

Commissioner Flanagan expressed concern regarding the applicant's ability to provide sufficient parking for guests on the subject property. Mr. Massie reiterated that the applicant's proposed parking provisions were greater than those prescribed by the Zoning Ordinance. When Commissioner Flanagan asked whether prospective buyers were informed of the limits of these parking provisions, Mr. Massie indicated that the residents would be sufficiently informed, adding that the proposed development included more parking than other residential developments and including more parking spaces would increase the amount of impervious surface on the site.

A discussion ensued between Commissioner Ulfelder and Mr. O'Donnell regarding the traffic impact along Braddock Road that a future interparcel connection with neighboring properties to the west of the site would have wherein Mr. O'Donnell explained that the redevelopment of the neighboring properties would require a reconfiguration of the lots along the public road and such a development would increase traffic along Braddock Road.

Commissioner Hurley asked staff to explain the circumstances under which the access point to Braddock Road on Parcel D of the site would be closed. Mr. O'Donnell indicated that there was a development option that included a cul-de-sac design for the subject property that would remove the access point to Braddock Road, but this option was only feasible if significant improvements to Braddock Road were warranted. In addition, he said that this option was subject to further transportation studies and would have to be implemented at the request of the County. Mr. O'Donnell also stated that such an option was contingent on how the NVTC site was utilized and the redevelopment of Parcels 31A and 31B to the west of the site, noting that these parcels would have to meet certain standards for such a redevelopment.

There being no listed speakers, Chairman Murphy called for speakers from the audience and recited the rules for public testimony.

Raine Gilbert, 111 Tapawingo Road SE, Vienna, stated that he was the co-owner of Parcel 31B, located to the west of the subject property, and his in-law owned Parcel 31A. He expressed concern that the revised proffers included a provision that required the applicant to provide a connection to a public road in the event that these parcels were redeveloped, which would subsequently vacate the easement on the southern portion of the subject property. He then asked whether this easement would be vacated for both parcels if only one of the parcels redeveloped.

Mr. O'Donnell addressed Mr. Gilbert's concern, stating that the owners of Parcels 31A or 31B would not be required to vacate the easement on the southern portion of the subject property unless the owners of each parcel rezoned their properties. He added that such a rezoning would require commitments from the property owners similar to what the applicant was providing in the proffers. In addition, Mr. O'Donnell said that this easement could be retained if one of the parcels subdivided, provided that the necessary requirements were met.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Massie, who concurred with Mr. O'Donnell's response to Mr. Gilbert's concerns. He added that the applicant had coordinated with the neighborhood properties to ensure that the proposal was consistent with surrounding neighborhood. In addition, he indicated that the applicant included proffers regarding the possible redevelopment for Parcels 31A and 31B to ensure that there would be sufficient interparcel access if such a development were implemented.

Commissioner Hurley pointed out that the public road for the proposed development did not connect to properties to the north of the site, but the private road could. She also reiterated that the public road would not connect to Parcels 31A and 31B if these lots did not redevelop. She then indicated that the property to the north of the site that would connect with the private road on the subject property had an access point on Braddock Road. Commissioner Hurley then asked about the final condition of this connection to the property to the north. Mr. Massie explained that this private street would dead-end, but could connect to this property if the owner permitted. However, he indicated that the owner had expressed concern that the address for this lot would have to be changed if it connected to this private street. Commissioner Hurley then stated for the Commission that the owner of this property had indicated that he did not want to change his address, adding that such a change would be required by the Fairfax County Fire Department (FCFD) if such a connection was pursued. Mr. O'Donnell added that staff had coordinated with

this property owner on this issue and confirmed that the address for this lot would have to change if it were connected to the private street on the subject property to comply with the FCFD requirements. However, he added that the neighboring property owner could pursue this connection in the future and the subject application did not preclude such a connection.

A discussion ensued between Chairman Murphy and Mr. O'Donnell regarding this possible connection with the neighboring property to the north and the associated signage with this connection wherein Mr. O'Donnell indicated that there would be documentation within the homeowners association for the proposed development that inform homeowners of this possible connection and added that staff did not object to installing additional signage on the private street regarding this connection.

Replying to questions from Commissioner Flanagan, Mr. O'Donnell confirmed that the private street was narrower between Lots 1 and 2 than it was between Lots 2 and 3. Mr. Massie indicated that the applicant had not considered widening the private street to accommodate additional street parking. Commissioner Flanagan suggested that the applicant review such an option to provide additional guest parking on the site.

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 Hurley for action on these cases.

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Chairman Murphy: Public hearing is closed – Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. Rosemary Ryan from Supervisor John Cook's staff and Mr. O'Donnell are to be commended for their usual exemplary work in assisting this application through the entire process. And with that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2014-BR-019, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MARCH 25TH, 2015.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2014-BR-019, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2014-BR-019, SUBJECT TO THE BOARD'S APPROVAL OF THE CONCURRENT REZONING APPLICATION.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion to approve FDP 2014-BR-019, subject to the Board’s approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: And finally, I MOVE THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF DPWES TO PERMIT A DEVIATION FROM THE TREE PRESERVATION TARGET PERCENTAGE IN FAVOR OF THE PROPOSED LANDSCAPING SHOWN ON THE CDP/FDP AND AS PROFFERED.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

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RZ 2014-PR-025 – 7799 LEESBURG PIKE, LLLP – Appl. to rezone from C-2 and HC to C-4 and HC to permit a hotel. Located on the S. side of Leesburg Pi. approx. 500 ft. E. of its intersection with the Capital Beltway, on approx. 15,482 sq. ft. of land. Comp. Plan Rec: Office. Tax Map 39-2 ((1)) 45 D pt. (Concurrent with SE 2014-PR-001.) PROVIDENCE DISTRICT.

SE 2014-PR-001 – 7799 LEESBURG PIKE, LLLP – Appl. under Sect. 4-404 of the Zoning Ordinance to permit a hotel. Located at 7799 Leesburg Pi., Falls Church, 22043, on approx. 1.62 ac. of land zoned C-4 and HC. Tax Map 39-2 ((1)) 45 D pt. (Concurrent with RZ 2014-PR-025.) PROVIDENCE DISTRICT. JOINT PUBLIC HEARING.

Evan Pritchard, Applicant’s Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated March 16, 2015.

Commissioner Hart disclosed that his law firm Hart & Horan PC had an ongoing case where attorneys in Mr. Pritchard's firm were representing an adverse party, but noted that this matter and the parties involved were unrelated to this case and there was no business or financial relationship; therefore, it would not affect his ability to participate in this case.

Bob Katai, 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 applications SE 2014-PR-001 and RZ 2014-PR-025.

Mr. Pritchard explained that the subject applications would permit the construction of a Residence Inn Extended Stay hotel, stating that this use would complement the existing hotels in the surrounding area. In addition, he said that the proposed hotel would be a LEED Silver Certified building and would offer a shuttle service to the nearby Silver Line Metro. He then stated that the proposal would not rezone the subject property to a PTC District, but it would still meet the Comprehensive Plan stormwater management goals for this portion of Tysons by utilizing low-impact development techniques such as bio-retention tree pits, bio-retention rooftop planters, and retaining the first inch of rainfall on-site. In addition, he indicated that the site had 5 existing trees and the proposal included planting 31 additional trees. He also stated that the applicant would install additional evergreen trees on the neighboring property at the neighbor's request to buffer the site from the surrounding neighborhood.

Commissioner Hart asked for clarification on the purpose of the fin that would protrude from the front façade of the proposed hotel, as noted on page 4 of the staff report. Mr. Pritchard explained that this fin was included to be a unique feature that would improve the aesthetics of the building, clarifying that it was not intended to be visible from the Beltway. A discussion ensued between Commissioner Hart and Mr. Pritchard regarding the possibility that this fin could be utilized for signage, the design of this feature, and the prevalence of such a feature on similar buildings throughout the County wherein Mr. Pritchard indicated that the signage for the proposed development would comply with Article 12 of the Zoning Ordinance and the design of the fin, as shown in the staff report, was only conceptual.

Chairman Murphy pointed out that there were other buildings in Washington, DC that utilized design features similar to the fin for the proposed development, adding that such features were utilized for aesthetic purposes.

Commissioner Ulfelder stated that there was an existing building in Tysons that utilized such a feature. A discussion ensued between Commissioner Ulfelder and Mr. Pritchard regarding the lighting and visibility of the fin wherein Mr. Pritchard said that this feature would be visible from Route 7 and was intended to be similar to the architectural uplighting utilized on other buildings.

Commissioner Ulfelder pointed out that the shuttle service to the Silver Line Metrorail for the proposed hotel would cease at 8:00 p.m. He then asked why this service ended at this hour. Mr. Pritchard explained that while the regular shuttle service from the hotel would cease at 8:00 p.m., this service would be made available upon request by guests.

Chairman Murphy called the first listed speaker.

Mark Namdar, 7801 Leesburg Pike, Falls Church, representing the Westin at Tysons Corner, stated that he was the General Manager of the existing Westin Hotel at Tysons Corner. He then said that he did not object to the proposed development, but he expressed concern regarding the traffic impact it would incur on the surrounding area. Mr. Namdar explained that the existing development in the area generated significant traffic along Ramada Road, with significant congestion during peak hours. He then stated that the installation of an additional exit ramp for the Beltway had already increased this congestion. In addition, he noted that Ramada Road was frequently utilized for illegal U-turns. Mr. Namdar requested that the applicant include a development condition to address this issue and that the decision only for the proposal be deferred to provide sufficient time to craft such a condition.

Responding to questions from Chairman Murphy, Mr. Namdar pointed out the location of the Westin Hotel at Tysons Corner, which was across the street from the subject property, and stated that this hotel had 405 rooms. In addition, Mr. Namdar said that this was a full-service hotel, which included a restaurant and a bar. He then reiterated that the surrounding area was subject to frequent traffic congestion due to the surrounding development.

When Commissioner Lawrence asked for clarification on why the decision only for the subject applications should be deferred, Mr. Namdar reiterated that he requested this deferral to provide sufficient time for the applicant to address the issue of illegal U-turns on Ramada Road. He also said he supported requiring the applicant to address this issue prior to the Board of Supervisors' public hearing for these cases.

Commissioner Lawrence said that William B. Lawson, Jr. of William B. Lawson, PC, had submitted a letter to the Planning Commission prior to the public hearing that articulated the position of the adjacent property owner at 7777 Leesburg Pike. He then explained that the actions of this property owner regarding signage was not related to the subject applications and would not impact the Commission's decision. (A copy of this letter is in the date file.)

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Pritchard, who addressed the traffic concerns raised by Mr. Namdar. He explained that he had not coordinated with Mr. Namdar on this issue, but noted that extending the median that ran down the center of Ramada Road could discourage illegal U-turns. However, Mr. Pritchard pointed out that this solution might not be feasible because the existing bank near the subject property would be negatively affected. He then stated that the proposed development would not significantly increase the traffic condition on Ramada Road because the proposed hotel would direct vehicles onto the site through a route that did not utilize this road.

Commissioner Lawrence pointed out that the proposed hotel did not have a bar or a restaurant, which would further reduce its traffic impact. Mr. Pritchard concurred with this statement.

Replying to questions from Commissioner Lawrence, Mr. Pritchard confirmed that the proposed hotel would encourage the use of the shuttle service to reduce the number of vehicular trips to the site. In addition, Mr. Katai said that he would verify prior to the Board of Supervisors' public hearing whether the intersection along Route 7 located near the subject property was scheduled to be reconfigured. He then confirmed that the Fairfax County Department of Transportation had reviewed the traffic impact of the subject applications and had concluded that this impact was

acceptable for the surrounding area and the proposed application would not significantly increase the congestion along Ramada Road.

Referring to Slide 10 of the Illustrative Site Perspective that depicted the western view of the proposed hotel, Mr. Pritchard explained that the proposed hotel would utilize architectural features consistent with those of an extended stay hotel and would incorporate architecture to improve the aesthetics of the structure to appeal to the targeted clientele. A discussion ensued between Commissioner Lawrence and Mr. Pritchard regarding the concerns raised by staff about the aesthetics for the proposed hotel wherein Mr. Pritchard indicated that the applicant's architect intended to design a building that was aesthetically appealing and Commissioner Lawrence stated that staff's concerns would be addressed by market forces.

Commissioner Lawrence addressed concerns raised by Commissioner Hart regarding the proposed fin for the hotel, saying that the use of this feature would also be determined by market forces. He also said that certain components of the design for the proposed hotel were still tentative and could be revised at a later time, but noted that these designs would still be in conformance with the provisions of the subject applications. Mr. Pritchard concurred with this statement, adding that the applicant would coordinate with the architect to improve the aesthetics of the hotel.

Commissioner Lawrence suggested that the applicant include a development condition that would encourage the architect to incorporate bird-friendly designs to ensure that the building would not negatively impact bird populations in the area. Mr. Pritchard did not object to including such a condition and indicated that this condition could be added prior to the Board of Supervisors' public hearing for these applications. In addition, he stated that the features of the proposed hotel would be more bird-friendly than a typical office building.

Answering questions from Commissioner Lawrence, Mr. Pritchard said that he did not object to the concierge for the proposed coordinating with surrounding businesses to accommodate deliveries for groceries, dry cleaning, or laundry for guests. He added that the rooms at the hotel would include full kitchens.

Commissioner Lawrence commended the applicant for incorporating a shuttle service at the proposed hotel. In addition, he said he also supported the applicant's efforts to utilize non-polluting vehicles for this shuttle service at the proposed hotel, as articulated in Development Condition Number 8 in Appendix 1 of the staff report.

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 these cases.

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Chairman Murphy: Public hearing is closed – Mr. Lawrence, please.

Commissioner Lawrence: Thank you, Mr. Chairman. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2014-PR-025.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2014-PR-025, say aye.

Commissioners: Aye.

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

Commissioner Lawrence: Mr. Chairman, I request that the applicant confirm for the record his agreement to the proposed development conditions dated March 11th, 2015. Mr. Pritchard, could we ask you to do that please?

Evan Pritchard, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Yes – so confirmed.

Commissioner Lawrence: Can you also agree to the amendment – further amendment adding the condition about bird-friendly design by Board time?

Mr. Pritchard: Absolutely.

Commissioner Lawrence: Thank you, Mr. Pritchard. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-PR-001, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 11TH, 2015, AND AS AMENDED THIS EVENING.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-PR-001, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF the following – first, A WAIVER TO PERMIT LOADING SPACES FOR THE HOTEL TO BE LOCATED AT THE FRONT OF THE BUILDING, AS SHOWN ON THE SE PLAT.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Finally, A MODIFICATION TO ALLOW TREES LOCATED ABOVE ANY PROPOSED PERCOLATION TRENCH OR BIO-RETENTION AREAS TO COUNT TOWARD COUNTY TREE COVER REQUIREMENTS, AS DEPICTED ON THE SE PLAT.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Thank you very much, Mr. Chairman.

Chairman Murphy: Thank you very much.

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

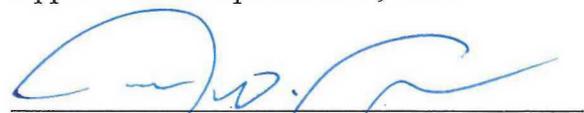
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The meeting was adjourned at 9:42 p.m.
Peter F. Murphy, Chairman
James R. Hart, Secretary

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: Jacob Caporaletti

Approved on: September 17, 2015



John Cooper, Clerk to the
Fairfax County Planning Commission