

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, APRIL 3, 2013**

UNAPPROVED
JULY 9, 2013

PRESENT: Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
James R. Hart, Commissioner At-Large
Janyce N. Hedetniemi, Commissioner At-Large
Ellen J. Hurley, Braddock District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Janet R. Hall, Mason District

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The meeting was called to order at 8:17 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

Commissioner Hart announced that the Planning Commission's Environment Committee would meet on Thursday, April 4, 2013, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to receive a presentation from County staff regarding newly proposed stormwater management regulations. He said everyone was welcome to attend this meeting.

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ZONING ORDINANCE AMENDMENT – ZONING APPLICATION FEE SCHEDULE
(Decision Only) (The public hearing on this application was held on March 27, 2013. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PROPOSED FEE SCHEDULE ZONING ORDINANCE AMENDMENT IN ACCORDANCE WITH THE STAFF RECOMMENDATION, AS ADVERTISED, TO INCLUDE A FEE OF \$435 FOR A VARIANCE, SPECIAL PERMIT, OR AMENDMENT TO A PREVIOUSLY-APPROVED

PROFFER AND/OR DEVELOPMENT PLAN FOR AN INCREASE IN FENCE AND/OR WALL HEIGHT ON A SINGLE-FAMILY LOT OR IN A RESIDENTIAL DISTRICT; AND A FEE OF \$2,500 FOR THOSE APPLICATIONS WHEN APPLICABLE TO ANY OTHER USE OR DISTRICT, AS EXPRESSLY SET FORTH IN STAFF'S MEMORANDUM TO THE PLANNING COMMISSION DATED MARCH 4, 2013.

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

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FAIRFAX FORWARD WORK PROGRAM (Decision Only) (The public hearing on this item was held on March 27, 2013. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE REVISED COMPREHENSIVE PLAN REVIEW PROCESS OUTLINED IN THE FAIRFAX FORWARD STAFF REPORT DATED FEBRUARY 20, 2013, AND SUBSEQUENT ADDENDUM DATED APRIL 3, 2013, WHICH USES A COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM TO SCHEDULE FUTURE PLANNING STUDIES.

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

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PILOT COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM DATED FEBRUARY 28, 2013, AS A FORMAL TEST OF PROGRAM OPERATIONS.

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

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE FOLLOWING PROVISIONS:

- THE COUNTY STAFF SHOULD EVALUATE THE EFFICIENCY, EFFECTIVENESS, ACCESSIBILITY, AND IMPACT OF THE NEW PROCESS AND THE PILOT WORK PROGRAM AFTER TWO YEARS;

- THE MEASUREMENT CRITERIA SHOULD BE DEVELOPED BY STAFF IN CONCERT WITH THE PLANNING COMMISSION AND THE BOARD OF SUPERVISORS, ALLOWING FOR PUBLIC REVIEW AND COMMENT, AND SHOULD BE ASSESSED UTILIZING SURVEYS, INTERVIEWS, OR OTHER METHODS TO REACH ALL PARTIES INVOLVED; AND
- THE EVALUATION SHOULD CONCLUDE WITH RECOMMENDATIONS TO THE PLANNING COMMISSION AND THE BOARD OF SUPERVISORS ON MODIFICATIONS AND IMPROVEMENTS.

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

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RESCIND THE OUTSTANDING AREA PLANS REVIEW NOMINATIONS LISTED ON ATTACHMENT VII OF THE STAFF REPORT DATED FEBRUARY 20, 2013, AND RECOMMEND THAT THE BOARD OF SUPERVISORS RESCIND THE OUTSTANDING BOARD-AUTHORIZED AMENDMENTS LISTED WITHIN THE SAME DOCUMENT.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

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RZ 2011-PR-010, FDP 2011-PR-011-02, PCA 92-P-001-09, PCA 92-P-001-10, AND RZ 2011-PR-011, CITYLINE PARTNERS LLC AND FDP 2011-PR-011, GARFIELD 1575 ANDERSON ROAD, LLC (Decisions Only) (The public hearing on these applications was held on March 21, 2013. A complete verbatim transcript of the decisions made is in the date file.)

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 92-P-001-09.

Commissioner Hart seconded the motion which carried by a vote of 9-0-2 with Commissioners Flanagan and Litzenberger abstaining; Commissioner Hall absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 92-P-001-10, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MARCH 25, 2013.

Commissioner Hart seconded the motion which carried by a vote of 9-0-2 with Commissioners Flanagan and Litzenberger abstaining; Commissioner Hall absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2011-PR-010 AND RZ 2011-PR-011, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED APRIL 3, 2013.

Commissioner Hart seconded the motion which carried by a vote of 9-0-2 with Commissioners Flanagan and Litzenberger abstaining; Commissioner Hall absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2011-PR-011, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 14, 2013, AND SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2011-PR-010 AND RZ 2011-PR-011.

Commissioner Hart seconded the motion which carried by a vote of 9-0-2 with Commissioners Flanagan and Litzenberger abstaining; Commissioner Hall absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2011-PR-011-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 2, 2013, AND SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2011-PR-010 AND RZ 2011-PR-011.

Commissioner Hart seconded the motion which carried by a vote of 9-0-2 with Commissioners Flanagan and Litzenberger abstaining; Commissioner Hall absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING WAIVERS AND MODIFICATIONS FOR BOTH RZ 2011-PR-010 AND RZ 2011-PR-011:

- A MODIFICATION OF ALL TRAILS AND BIKE TRAILS, IN FAVOR OF THE STREETScape AND ON-ROAD BIKE LANE SYSTEM SHOWN ON THE PLANS AND AS PROFFERED;
- A WAIVER (NUMBER 6835-WPFM-005-1) TO ALLOW THE USE OF UNDERGROUND STORMWATER DETENTION FACILITIES IN A RESIDENTIAL DEVELOPMENT, SUBJECT TO THE CONDITIONS DATED FEBRUARY 6, 2013, CONTAINED IN ATTACHMENT A OF APPENDIX 11 OF THE STAFF REPORT;
- A MODIFICATION OF SECTION 7-0802.2 OF THE PUBLIC FACILITIES MANUAL (PFM) TO ALLOW FOR THE PROJECTION OF STRUCTURAL COLUMNS INTO PARKING STALL, WITH NO MORE THAN FOUR PERCENT OF THE STALL AREA;

- A MODIFICATION OF THE PFM AND/OR ZONING ORDINANCE TO ALLOW TANDEM/VALET PARKING SPACES, CONTROLLED BY BUILDING MANAGEMENT, AND THAT SUCH SPACES MAY COUNT TOWARD REQUIRED PARKING;
- A MODIFICATION OF SECTION 12-0601.1B TO PERMIT THE REDUCTION OF THE MINIMUM PLANTER OPENING AREA FOR TREES USED TO SATISFY THE TREE COVER REQUIREMENT, IN FAVOR OF THAT SHOWN ON THE PLANS AND AS PROFFERED;
- A MODIFICATION OF THE ZONING ORDINANCE AND PFM FOR REQUIRED TREE PRESERVATION TARGET AND TEN PERCENT CANOPY COVERAGE ON INDIVIDUAL LOTS/LAND BAYS, TO ALLOW FOR TREE PRESERVATION TO BE CALCULATED ON THE OVERALL CDP DEVELOPMENT AREA;
- A MODIFICATION TO THE ZONING ORDINANCE TO ALLOW FOR A PARAPET WALL, CORNICE, OR SIMILAR PROJECTION TO EXCEED THE HEIGHT LIMIT ESTABLISHED BY MORE THAN THREE FEET, AS MAY BE INDICATED ON THE FDP TO SCREEN MECHANICAL EQUIPMENT;
- A MODIFICATION OF THE MAXIMUM FENCE HEIGHT FROM 7 FEET TO 14 FEET AROUND ACCESSORY USES/STRUCTURES LOCATED WITHIN THE REAR YARD FOR THOSE AREAS OF FENCING ASSOCIATED WITH ANY PROPOSED SPORTS COURTS AND URBAN PLAZA AREAS, AS INDICATED ON THE CDP OR AS MAY BE INDICATED ON AN FDP;
- A MODIFICATION OF PARAGRAPH 4 OF SECTION 11-202 OF THE ZONING ORDINANCE REQUIRING A MINIMUM DISTANCE OF 40 FEET OF A LOADING SPACE IN PROXIMITY TO DRIVE AISLES, TO THAT SHOWN ON THE CDP AND WHEN SHOWN ON AN APPROVED FDP;
- A WAIVER OF SECTION 11-302 OF THE ZONING ORDINANCE TO ALLOW A PRIVATE STREET TO EXCEED 600 FEET IN LENGTH AS SHOWN ON THE CDP;
- A MODIFICATION OF THE INTERIOR AND PERIPHERAL PARKING LOT LANDSCAPE REQUIREMENTS FOR INTERIM SURFACE LOTS AND ON PRIVATE STREETS TO THAT SHOWN ON THE CDP AND FDP;
- A WAIVER OF SECTION 16-403 OF THE ZONING ORDINANCE REQUIRING A FINAL DEVELOPMENT PLAN AS A PREREQUISITE TO A SITE PLAN IN THE PTC DISTRICT TO PERMIT PUBLIC IMPROVEMENT PLANS ASSOCIATED WITH PUBLIC STREETS AND PARKS;

- A WAIVER OR A SERVICE DRIVE ON ROUTE 123;
- A WAIVER OF PARAGRAPH 4 OF SECTION 17-201 OF THE ZONING ORDINANCE REQUIRING ANY FURTHER DEDICATION AND CONSTRUCTION FOR WIDENING OF EXISTING ROADS TO ADDRESS COMPREHENSIVE PLAN REQUIREMENTS BEYOND THAT WHICH IS INDICATED IN THE PLANS AND PROFFERS;
- A WAIVER OF PARAGRAPH 3 OF SECTION 17-201 OF THE ZONING ORDINANCE TO PROVIDE ANY ADDITIONAL INTERPARCEL CONNECTIONS TO ADJACENT PARCELS BEYOND THAT SHOWN ON THE PLANS AND AS PROFFERED;
- A MODIFICATION OF SECTION 12-0515.6B OF THE PFM TO ALLOW FOR TREES LOCATED ABOVE ANY PROPOSED PERCOLATION TRENCH OR BIO-RETENTION AREAS TO COUNT TOWARDS COUNTY TREE COVER REQUIREMENTS;
- A MODIFICATION OF PARAGRAPH 7 OF SECTION 17-201 OF THE ZONING ORDINANCE TO PERMIT THE APPLICANT TO ESTABLISH PARKING CONTROL, SIGNS, AND PARKING METERS ALONG PRIVATE STREETS WITHIN AND ADJACENT TO THE DEVELOPMENT IN COORDINATION WITH THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION; AND
- A MODIFICATION OF THE TEN-YEAR TREE CANOPY REQUIREMENTS, IN FAVOR OF THAT SHOWN ON THE PLANS AND AS PROFFERED.

Commissioner Hart seconded the motion which carried by a vote of 9-0-2 with Commissioners Flanagan and Litzenberger abstaining; Commissioner Hall absent from the meeting.

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ORDER OF THE AGENDA

In the absence of Secretary Hall, Chairman Murphy established the following order of the agenda:

1. 2232-B12-9 – FAIRFAX COUNTY PARK AUTHORITY
2. RZ/FDP 2011-PR-018 – CHRISTOPHER LAND, LLC

This order was accepted without objection.

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2232-B12-9 – FAIRFAX COUNTY PARK AUTHORITY – Appl. under provisions of *Virginia Code* Sects. 15.2-2204 and 15.2-2232, as amended, to consider the public use of Monticello Park. The park's master plan envisions the ultimate development will serve the surrounding community with a new off-leash dog area, playground, multi-use area, skate activity area, and loop trail with expanded parking. Monticello Park is located at 5315 Guinea Road, Burke, Virginia 22015, Tax Map 69-3 ((6)) E, Area III.
BRADDOCK DISTRICT. PUBLIC HEARING

Commissioner Hedetniemi disclosed that she had been a member of the Fairfax County Park Authority (FCPA) Board when action was taken on this application; therefore, she would recuse herself from this case.

Richard Lambert, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended that the Planning Commission find the proposal substantially in accord with the provisions of the adopted Comprehensive Plan.

At the request of Commissioner Hurley, Mr. Lambert pointed out the location of Monticello Park. In response to a follow-up question, Mr. Lambert indicated that 42 other sites within the Braddock District were considered for the proposed dog park, but staff had determined that none of these sites were feasible.

Andy Galusha, Planning and Development Division, FCPA, delivered a PowerPoint presentation on the proposal. He pointed out that an off-leash dog area (OLDA) in Fairfax County required a sponsor group that would maintain the park, fund its construction, and enforce the applicable rules and regulations. He then stated that the Braddock Dog Association (BDA) had approached the FCPA in 2008 to establish an OLDA in the Braddock District, adding that the Master Plan process for the park began in 2011 and 42 possible sites were evaluated. He reviewed the criteria for evaluating a site, noting that it had to have sufficient space that was not treed, existing access that did not interfere with other facilities, and no conflicts with the topography, Resource Protection Areas, or soil composition. He said that once a site was determined, the Master Plan process for the site was initiated and a public information meeting was held in April, 2011. He indicated that after additional meetings with representatives of the surrounding neighborhoods, the Master Plan was revised accordingly and subsequently approved by the FCPA on June 27, 2012. Mr. Galusha listed parking, traffic, noise, safety, and privacy as concerns raised by the public during the process. He addressed the noise concerns, stating that the proposed OLDA would not be problematic because of the existing noise generated by the nearby roads and a nearby swim club. In addition, he provided a brief history of the subject property, noting that the Board of Supervisors had turned it over to the Park Authority in 2001 and it had since been used for public recreation. He pointed out that large dog parks usually required approximately 20 spaces, but this proposal would permit a maximum of 30 spaces to serve both the OLDA and the

playground. He also noted that the Braddock District Land Use Committee had expressed concern about the possible number of spaces; therefore, the FCPA agreed to not expand the parking to the maximum limit unless warranted. He also said that while there were existing trees between the park and neighboring communities, the FCPA would provide additional trees to improve the buffer. Mr. Galusha added that other facilities at the park included a playground, a multi-use area, a skate activity area, and a number of trails. In addition, he identified the location of the access to the site, the parking area, and the multi-use open space. He pointed out that funding for the proposal had been provided through a bond, but the operation of OLDA was contingent on funding from the BDA. He also noted that construction would likely be phased and that all applicable codes and requirements would be addressed during the site planning and review process. In addition, he said that the FCPA would enhance stormwater drainage on the site by improving water absorption. He added that the FCPA was committed to improving traffic flow, vegetative screening, and pedestrian access on the site. (A copy of Mr. Galusha's presentation is in the date file.)

In reply to a question from Commissioner Hurley, Mr. Galusha said that construction of the OLDA was contingent on the money raised by the BDA and added that this portion of the park would have to go through the appropriate planning processes.

Replying to questions from Commissioner Hart, Mr. Galusha explained that if on-site stormwater detention was required, it would not occur within the buffer and the necessary facilities would be located near the parking lot.

Chairman Murphy called the first listed speaker and recited the rules for public testimony

Erin Mays, 12020 Glen Alden Road, Fairfax, representing the BDA, voiced support for the proposal because it would benefit the surrounding community. She said that the BDA had been evaluating locations for an OLDA since 2007. She stated that the BDA had approximately 127 supporters from various communities and listed some of those communities. She also indicated that the BDA had currently raised \$7,680.65 to construct the dog park. In addition, she compared the proposed OLDA to others within the County, such as Blake Lane Dog Park, and pointed out that no other park had a playground in conjunction with an OLDA.

Jeffery Root, 4788 Tapestry Drive, Fairfax, spoke in support of the proposal because the features were an appropriate use of the site. He also commended the BDA and the County for their efforts to develop Monticello Park.

Chairman Murphy called for speakers from the audience.

Tony Vellucci, Braddock District Representative, FCPA, spoke in support of the proposal. He pointed out that Monticello Park would include a skate activity area in addition to the OLDA and noted the benefits of this area for unorganized youth sports activity.

There being no more speakers, Chairman Murphy called for closing comments from Mr. Lambert, who declined.

Commissioner Flanagan stated that he supported the proposal and reminded the Commission of a previous application for an OLDA at Westgrove Park, which had generated significant concern from the surrounding community. He then noted the frequent use of this park. A brief discussion ensued between Commissioner Flanagan and Sandra Stallman, Manager, Park Planning Branch, FCPA, regarding the date and location of the public hearing for the Master Plan for Westgrove Park.

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

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Commissioner Hurley MOVED THAT THE PLANNING COMMISSION FIND THAT 2232-B12-9 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SET FORTH IN *VIRGINIA CODE* SECTION 15.2-2232, AND IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners Flanagan and Migliaccio seconded the motion which carried unanimously with Commissioner Hedetniemi having recused herself; Commissioner Hall absent from the meeting.

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RZ/FDP 2011-PR-018 – CHRISTOPHER LAND, LLC – Appls. to rezone from R-1 to PDH-3 to permit residential development with a density of 2.86 du/ac with an FAR of 0.07 and private club and senior care center as secondary uses and approval of the conceptual and final development plans. Located on the N. side of Courthouse Rd. approx. 500 ft. E. of the intersection with Sutton Rd. on approx. 5.72 ac. of land. Comp. Plan Rec: 2-3 du/ac. Tax Map 48-1 ((1)) 62 and 64. PROVIDENCE DISTRICT. JOINT PUBLIC HEARING

Scott Adams, Esquire, McGuire Woods, LLP, reaffirmed the affidavit dated March 20, 2013. There were no disclosures by Commission members.

Commissioner Lawrence announced his intent to defer the decision only on this case at the end of the public hearing.

William Mayland, 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 applications.

Mr. Adams described the unique circumstances of the subject property, noting that one portion contained an existing lodge for the Vienna Number 1896, Loyal Order of Moose, Inc. (Moose Lodge) while another portion was planned for infill residential development. He recognized the concerns raised by the neighboring Vienna Oaks Community and stated that the applicant had coordinated with them to address those concerns. He explained that the applicant would develop the infill residential portion as a P-District, noting that this allowed the flexibility to adjust the location of the dwelling units, enhance tree preservation, and create a sufficient buffer with the neighboring properties. He pointed out that the infill community would be served by a private street, which permitted additional flexibility in arranging the dwelling units. He added that the private street and shared stormwater facilities would be maintained by a homeowners association, which the applicant had established. Mr. Adams provided a brief history of the Moose Lodge and the Vienna Oaks Community, noting that both were developed without any stormwater facilities. He noted that the Best Management Practices included in the proposal would improve stormwater management for the property and stormwater drainage for the adjacent properties. In addition, he indicated that in response to feedback from neighboring residents, the shape of the dry pond was designed to save additional trees. Mr. Adams stated that after negotiations with neighboring residents, the applicant had agreed to provide a 35-foot variable width conservation easement and indicated that the existing 75-foot buffer would be maintained. He also pointed out that the proposed density was in harmony with the Comprehensive Plan. In addition, he said that while the proffer prohibiting the Moose Lodge from serving beer to-go had been removed from the revised set, the applicant still intended to abide by this provision. (A copy of the revised proffers dated April 1, 2013, is in the date file.)

Answering questions from Commissioner Lawrence, Mr. Adams stated that the Moose Lodge held approximately two to three large events a year. A brief discussion ensued regarding what constituted a large event under the Zoning Ordinance and the kinds of events that the Moose Lodge might host, such as wedding parties.

Commissioner Hart expressed the following concerns about the proposal:

- The use of a P-District on the subject property would lead to tightly constrained dwelling units with limited setback for lots such as Lot 8;
- The constrained layout of the dwelling units would cause privacy concerns and limit possible landscaping; and
- The shape of the shape of the driveways might not accommodate two vehicles.

In addition, Commissioner Hart said that the size of the houses would not fit the Residential Development Criteria and recommended that the applicant clarify during the deferral period the kinds of additions the homeowners could construct on each of the lots to ensure the integrity of the tree save area. In response, Mr. Adams explained that the proposed layout had been determined after negotiations with the Vienna Oaks Community; however, he pointed out that two cars would fit in each of the driveways. He also indicated that the applicant would consider façade treatments for Lot 8 and additional provisions to ensure that mechanical equipment was not installed on certain portions of the property.

Responding to questions from Commissioner Sargeant, Mr. Adams confirmed that the established HOA for the development would maintain the cul-de-sac and stated that the cost to pave the private street would be approximately \$16,000. He added that Proffer Number 16, Private Road, included an \$8,000 contribution toward this cost.

Mr. Adams responded to additional questions from Commissioner Sargeant regarding Proffer Number 13, Moose Lodge Operations, which indicated that the Moose Lodge would direct traffic during events, and agreed to consider modifying the proffer to suggest that a professional, such as an off-duty police officer, be hired for such events.

Commissioner Sargeant asked for clarification on the discrepancy between the Fairfax County Fire and Rescue Department's (FCFRD) analysis in Appendix 15 of the staff report, which indicated that the subject property met fire protection guidelines, and the statement under "Fire and Rescue Department Analysis" on page 19 of the staff report, which indicated that the proposal would have to be amended if the grasscrete had to be relocated to accommodate a fire truck. In response, Mr. Mayland stated that the Fire Marshal had initially supported the design for the cul-de-sac and grasscrete, but as the proposal was modified over time, he changed his position and said the proposed grasscrete would not be sufficient and had to be revised, which was subsequently articulated in the staff report. He added that a Proffered Condition Amendment would be required to increase the size of the cul-de-sac, but pointed out that Proffer Number 42, Fire Turn-Around, provided sufficient flexibility to relocate the grasscrete to address the Fire Marshal's concerns. A lengthy discussion ensued between Mr. Mayland and Commissioners Murphy and Sargeant regarding the FCFRD's review of the site wherein Mr. Mayland reiterated that the Fire Marshal expressed concerns about the location of the grasscrete and Mr. Adams agreed to clarify this issue in writing during the deferral period.

In reply to a follow-up question from Commissioner Hart, Mr. Adams stated that relocating the grasscrete to address the Fire Marshal's concerns would not affect the parking capacity of the driveways, but indicated that this issue would also be addressed during the deferral period.

In response to questions from Commissioner Migliaccio, Mr. Adams explained that the language in Proffer Number 39, Affordable Dwelling Units, had been crafted to permit an option to contribute to Habitat for Humanity, subject to the approval of the Providence District Supervisor.

A brief discussion ensued regarding the language of the proffer wherein Mr. Adams agreed to consider removing Habitat for Humanity from the verbiage.

Answering questions from Commissioner Flanagan, Mr. Adams stated that the cul-de-sac could not be farther from the Moose Lodge because of concerns about the buffer and tree save area. He added that while the 20 percent tree save requirement could be met, the applicant was attempting to exceed that requirement. A brief discussion ensued regarding the possibility of moving the cul-de-sac to increase the size of the backyards for Lots 7 and 8 wherein Mr. Adams pointed out that it would reduce the amount of tree save and Chairman Murphy indicated that such a modification was not viable.

Mr. Mayland agreed to a request from Commissioner Litzenberger to ask the Department of Public Works and Environmental Services whether a Stormwater Master Plan was being developed to help mitigate flooding in Vienna.

Commissioner Hedetniemi echoed previous concerns about the confined layout of the dwelling units and suggested that the size of the units be reduced.

Replying to questions from Commissioner Lawrence, Mr. Adams confirmed that the infill development was constrained because the Moose Lodge required sufficient parking for its activities and the barrier separating the Moose Lodge site and the proposed infill development could not be moved. Commissioner Lawrence added that while the potential for additional flexibility would be reviewed, he advised the Commission to recognize the constraints on the subject property.

Chairman Murphy called the first listed speaker.

Andrew Gorey, 2622 Lemontree Lane, Vienna, stated that while he did not support the initial proposal, he supported deferring the decision to allow additional time to address Vienna Oaks community's concerns regarding the layout of the dwelling units, the stormwater management provisions, and the tree save area. He indicated that the applicant had made progress in addressing these concerns by coordinating with Vienna Oaks, Commissioner Lawrence, and Providence District Supervisor Linda Smyth. He commended the Moose Lodge, noting that the neighborhood did not have any issues with their activities. He also asked that residents from the Vienna Oaks community in the audience stand to be recognized. (A copy of Mr. Gorey's statement is in the date file.)

Kazuhiro Okochi, 9617 Whitecedar Court, Vienna, spoke in opposition to the application, saying that the subject property was at a higher grade than his property, which was adjacent to Lot 5, and noted that if a deck were constructed on Lot 5, it would create privacy concerns. He also indicated that the trees in the buffer did not provide sufficient screening in the winter and requested that the applicant plant evergreen trees to improve the screening. In addition, Mr. Okochi said that stormwater issues had caused persist flooding on his property and did not

support the modifications that had been made to the original proffers which utilized rain barrels instead of drainage spots; therefore, he sought assurance that the applicant would prevent excessive outflow onto neighboring properties. He also expressed concern about obstructive construction activity on the surrounding neighborhood, citing the previous experiences from neighboring residences.

Responding to questions from Commissioner Flanagan, Mr. Okochi clarified that a possible deck on Lot 5 would be a first-floor deck and he was concerned that the height of the deck would be greater than the height of his fence, thereby making his property more visible.

Annemarie Harthun, 9615 Whitecedar Court, Vienna, spoke in opposition to the application. Referencing photographs that she had taken, she described the entrance to the subject property, the topography of the site, and the current view from the back of her property. She said she that the applicant had agreed to move the units farther away from the northern boundary, but pointed out that the height of the dwelling units would be obstructive to neighboring residences and create privacy concerns. She also expressed concern about the accuracy of the cross sections of the proposed dwelling units, as depicted on sheets 14 through 16 of the CDP/FDP, because the applicant had informed her that the basement would be above ground. She added that the applicant had not provided consistent details for the designs of the roofs on the units. (Copies of Ms. Harthun's photographs are in the date file.)

Matthew Harthun, 9615 Whitecedar Court, Vienna, expressed concern about the proposal's stormwater management provisions. He described the current condition of Lots 4 and 5 on the subject property, noting that there were existing stormwater drainage issues in the area. He added that the proposal would likely increase the amount of stormwater outflow. He also indicated that Proffer Number 19, Drainage Lots 4-5, had initially required that the downspouts on Lots 4 and 5 be connected to the proposed stormwater management facilities, but it was later revised to allow them to connect to rain barrels. He said that the rain barrels would not sufficiently mitigate the off-site impacts, which the applicant had committed to reducing in its the Statement of Justification in Appendix 3, page 4, Section 5C of the staff report; therefore, he requested that Proffer Number 19 be revised to require the downspouts on Lots 4 and 5 to connect to the stormwater management facility.

Michael Fooks, 9607 Whitecedar Court, Vienna, voiced opposition to the subject applications. He stated that he supported the installation of the stormwater management pond as part of the County's long-term stormwater management plan, but pointed out that it would result in a considerable loss of trees and screening from activities at the Moose Lodge; therefore, he encouraged the preservation of as many trees as possible. He added that he supported the planting of evergreen trees and shrubs around the stormwater management pond to improve screening, as articulated in Proffer Number 21, Landscaping. Referring to Proffer Number 13F, Parking, he requested that the applicant clarify the limitations on the size of vehicles and storage trailers that would be permitted on the Moose Lodge parking lot. In addition, he requested that

the applicant provide assurance that the large shipping container currently located on the site would be replaced by a trailer of similar height.

Gregory Gurski, 2711 Snowberry Court, Vienna, said that while he did not oppose the proposed development, he stated that it should be done in a manner consistent with the surrounding community. He provided a brief description of the design, density, and layout of Vienna Oaks. He then pointed out that the proposed density for the development was too high and the proposed dwelling units were not compatible with the surrounding neighborhood, which would adversely affect drainage, tree preservation, and privacy. He added that while the applicant had modified the layout of the dwelling units to mitigate the impact on the surrounding properties, there would still be a significant loss of trees and screening. Referring the Commission to his written statement, Mr. Gurski noted the differences in density, footprint, and size between the proposed development, the current Moose Lodge, and the Vienna Oaks community. He also stated that the community did not oppose a P-District development for the site, but the current proposal was not consistent with the Comprehensive Plan's recommendation that infill developments be compatible with the surrounding community and maintain established neighborhoods. He added that he favored reducing the number of houses in the proposed development to further ameliorate the impact of the development. (A copy of Mr. Gurski's statement is in the date file.)

Heather Glynn, 9618 Whitecedar Court, Vienna, expressed concern about the effect of the proposal on stormwater drainage throughout the area. She described previous instances at another site along Sutton Road where stormwater drainage issues had caused flooding on her property. She added that while the installation of a stormwater pond had alleviated the issue, flooding was still a concern. She described the current stormwater outflow on the subject property, noting that there had been instances where excessive runoff had affected neighboring properties. She said that while the applicant had made considerable efforts to demonstrate Best Management Practices, she remained concerned that the loss of trees and the installation of impermeable surfaces would exacerbate the existing stormwater drainage issues, citing Lots 4 and 5 as areas of concern.

Carl Thomas, 9616 Courthouse Road, Vienna, representing the Loyal Order of Moose (LOM), spoke in support of the proposal because it would help maintain the organization's charitable activities by allowing them to sell a portion of their property for development. He commended the neighboring community for their patience and cooperation. He described the mission of the LOM and provided a brief history of the Moose Lodge. He also listed the LOM's charitable activities and the various organizations it supported.

On behalf of the Commission, Chairman Murphy thanked Mr. Thomas and the LOM for their charity work.

Gregory Moulton, 9611 Whitecedar Court, Vienna, said that he supported deferring the decision on these applications and highlighted the following issues:

- concern regarding stormwater drainage due to the topology of the site, the effectiveness of the rain barrels on Lots 4 and 5, the size of the proposed easement, and the implementation of a recent dam breach analysis;
- concern regarding the designs of the dwelling units, the setback distances, and the turnaround for the fire engine; and
- concern regarding privacy due to the setbacks and the size of decks at certain dwelling units.

Mr. Moulton asked that members of the community in the audience stand and be recognized to indicate their concern for each of these issues.

Brett Wilson, 9613 Whitecedar Court, Vienna, described the collaborative efforts between the applicant, the Moose Lodge, the surrounding community, Commissioner Lawrence, and Providence District Supervisor Linda Smyth to address the concerns raised by the community on the subject applications and noted that considerable progress had been made. However, he expressed concern about the fire truck turnaround and the possibility that a redesign of the cul-de-sac might be required. He encouraged the applicant to clarify this issue during the deferral period to ensure that the relocation of the grasscrete would not affect the proposed layout of the cul-de-sac and that only authorized vehicles would utilize the grasscrete.

Philip Latasa, 5584 Cavalier Woods Lane, Clifton, representing Friends of Accotink Creek, endorsed the written comments submitted by Friends of Nottaway Park. He pointed out that Nottaway Park received stormwater runoff from the subject property, which caused erosion that extended down Accotink Creek. In addition, he endorsed additional actions by the County to mitigate erosion at Accotink Creek and Nottaway Park. (A copy of the letter is in the date file.)

There being no more speakers for these applications, Chairman Murphy called for rebuttal from Mr. Adams, who addressed the stormwater concerns raised by speakers. He noted that the proposal met County requirements and would improve stormwater drainage on the site by utilizing an off-site system to direct the runoff away from Vienna Oaks and onto the subject property. He explained that the downspouts for Lots 4 and 5 were not connected to the storm branch pipes because it would have adversely affected the tree save area. He added that while the rain barrels for these lots would not detain all stormwater runoff, the runoff would be directed to the stormwater management pond and would not flow onto Vienna Oaks residences. Mr. Adams said that the distance between dwelling units and the slight grade differences would not cause privacy concerns. He also stated that the exposure of the basement for the dwelling unit on Lot 5 would not be greater than four feet. In addition, he pointed out that the density of the proposed

development was similar to Vienna Oaks. He clarified that there was currently no easement on the subject property. He also agreed to resolve the issues regarding the turnaround for the fire truck during the deferral period and supported limiting the use of the turnaround to emergency vehicles.

Chairman Murphy called for concluding staff remarks from Mr. Mayland, who declined.

In response to questions from Commissioner Lawrence, Mr. Mayland explained that the subject property had been divided into two land bays, one for the infill residential development and one for the Moose Lodge, and the density was calculated based on each individual land bay. He acknowledged that this was different compared to how density was usually calculated in a P-District, but added that staff utilized this criteria to ensure that both land bays met the PDH-3 requirements. He also confirmed that staff applied the Residential Development Criteria to the land bay that would contain the infill development and evaluated its impact on the Moose Lodge to ensure the neighboring properties were not adversely affected.

Answering questions from Commissioner Flanagan, Mr. Mayland stated that the community's concerns about the density of the proposed development might have been because they did not calculate the density correctly. He also confirmed that the calculation for density in P-Districts did not reflect the visual density. In addition, he compared the amount of impervious surface to the existing condition of the site. Chairman Murphy added that visual density was not used to evaluate a development in either the Comprehensive Plan or Residential Development Criteria.

In reply to questions from Commissioner Hart, Mr. Mayland explained that Proffer Number 43, Severability, allowed for a one of the land bays to redevelop through a Proffered Condition Amendment without the consent of the owners of the adjacent land bay, provided that the proposal did not affect the shared facilities maintained by the HOA. Commissioner Hart requested that staff address the possibility that the land bay containing the Moose Lodge could redevelop into a residential neighborhood without the consent of the property owners at the proposed infill development.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on these cases. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ/FDP 2011-PR-018 TO A DATE CERTAIN OF APRIL 18, 2013, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

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The meeting was adjourned at 10:55 p.m.
Peter F. Murphy, 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: Jacob Caporaletti

Approved on: _____

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