

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, APRIL 16, 2015**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill 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
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Julie M. Strandlie, Mason District
Kenneth A. Lawrence, Providence District
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

Commissioner Hedetniemi announced that the Planning Commission's Tysons Committee would meet on Wednesday, April 22, 2015 at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center and added that this meeting was open to the public.

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. SE 2014-MV-071 – BARRY MAGLAUGHIN/CATHERINE POWELL
2. PCA/FDPA 82-P-015/CDPA 82-P-015 – YUE WANG (a/k/a MIKE WANG)
3. SE 2014-PR-067 – KONSTANTIN E. PANOV
4. RZ 2013-PR-014 – AUASABLE, LLC
5. RZ 2014-PR-018 – THE EVERGREEN COMPANIES, LLC

This order was accepted without objection.

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SE 2014-MV-071 – BARRY MAGLAUGHIN/CATHERINE POWELL – Appl. under Sects. 2-904 and 9-606 of the Zoning Ordinance Provisions for Uses in a Floodplain, to permit an addition to a single family dwelling. Located at 6415 15th St., Alexandria, 22307, on approx. 8,750 sq. ft. of land zoned R-3. Tax Map 93-2 ((8)) (10) 12. MOUNT VERNON DISTRICT. PUBLIC HEARING.

David Vogt, Applicant's Agent, Case Design Remodeling Inc., reaffirmed the affidavit dated March 9, 2015.

There were no disclosures by Commission members.

Carmen Bishop, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application SE 2014-MV-071.

Answering questions from Commissioner Flanagan, Ms. Bishop stated the following:

- The elevations on Sheet F1 of 15 in the staff report depicted both the existing structure and the proposed modifications to that structure;
- The elevations on Sheet F1 of 15 in the staff report depicted the first floor of the existing structure on the site and the slope of the landscape;
- The first floor of the existing structure on the site was approximately 10.34 feet above sea level, which was approximately eight inches below the 11-foot maximum flood level for the surrounding area;
- The structure on the site could be subject to flooding if the front door and the window wells were not sufficiently flood-proofed;
- The elevations on Sheet F1 of 15 in the staff report depicted a shallow slope between the grade of the site and the first floor of existing structure;
- The applicant had coordinated with staff to protect the first floor from flooding and staff had requested an additional development condition to specify these protections;
- The applicant had agreed to craft an appropriate development condition to incorporate features that would protect the first floor of the structure from flooding;
- The applicant would submit this development condition prior to the Board of Supervisors' public hearing; and
- The condition would ensure that appropriate features would be implemented to protect the existing structure on the site in the event of flooding.

Mr. Vogt explained that initially the subject property was not located within a floodplain, but noted that the designated levels for the floodplain in the surrounding area had increased from 10 feet to 11 feet, which subsequently placed the site into the floodplain. He then indicated that by being located within a floodplain, the proposed modifications to the existing structure on the site would be required to accommodate additional features to mitigate the impact of flooding. Mr. Vogt also said that the applicant had considered demolishing and rebuilding the site, but noted that this would be detrimental to the character of the existing structure. He added that the applicant intended to retain as much of the original condition of the existing structure as possible. He stated that the foundation of the proposed structure would be designed to ensure that it did not increase the amount of stormwater runoff onto the neighboring properties. Mr. Vogt said that the original door on the existing structure was still present. He also indicated the subject property had not been flooded in the past 76 years, adding that the original floors of the structure were still present and had not been subject to damage. He then said that the applicant favored flood-mitigation features that would retain the existing door and preserve the character of the structure, such as weather stripping and window wells.

Commissioner Flanagan commended the applicant for their cooperation with staff on addressing flooding concerns on the site. He said he also favored retaining the existing door on the site, but noted the importance of incorporating features that would protect the structure in the event the residents were not present. Mr. Vogt concurred, but noted that the possible features that would be implemented to achieve such protection were still being studied.

In reply to questions from Commissioner Hart, Mr. Vogt indicated that the subject property had never been flooded and reiterated that portions of the site had not been located within the original flood plain for the area. He also said that weather stripping the front door would protect the proposed structure from flooding, adding that such a feature was not required by the Zoning Ordinance and the proposed modifications to the existing structure could not be implemented by-right because the cost of these modifications was greater than 50 percent of the market value of the structure.

Replying to questions from Commissioner Hurley, Mr. Vogt said that the existing kitchen in the structure would remain in its current location and the proposed modifications would create additional countertop space. He added that this space would provide additional storage area, noting that the structure did not include a basement. In addition, he indicated that this additional space could accommodate a refrigerator, but it would not accommodate a stove.

In response to questions from Commissioner Ulfelder, Mr. Vogt stated that the crawlspace located between the ground level and the lower level of the new addition would be approximately three feet. He also confirmed that this space grew as the grade of the site sloped downward. He then indicated that an adult individual could not walk into this space. Mr. Vogt explained that the vents in the foundation of the structure would consist of metal grates that would allow water to flow through the space while filtering out debris. In addition, he stated that these features were intended to mitigate the effects of gradual flooding and not flash flooding.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. 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 Flanagan for action on this case.

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Chairman Murphy: Public hearing is closed – Mr. Flanagan.

Commissioner Flanagan: First of all, I'd like to – the public hearing is closed, but I would like to note that the – both the New Alexandria Homeowners Association – unanimously support this application – as does the Planning and Zoning Committee of the Mount Vernon Council and the Board of Directors of the council. The council doesn't meet, itself, until later – until after this hearing. So consequently, I'm going to – I think you all received in an email with the resolution that was – is pending before the council. And I think that's enough for us to go ahead and support this application. Let's see – do I need to have him once again come forward and –

Chairman Murphy: Yes, please come forward.

Commissioner Flanagan: -confirm that they're in agreement with the proposed conditions?

Chairman Murphy: Now do I understand correctly what we were talking about before – are you going to come up with a development condition before Board time? But that's not part of the application now so can you reaffirm your support or affirm your support for the development conditions that are going to be in the staff report and that you understand them? And part of that – those development conditions will be one you haven't even seen yet? I don't know whether we can do this or not, quite frankly.

David Vogt, Applicant's Agent, Case Design Remodeling Inc.: I think – with the discussion that Mr. Flanagan and I had had that we are on the right direction – that I could affirm that that would be acceptable as – if the front door can remain as a weather stripping issue.

Chairman Murphy: The right direction doesn't mean you understand and then you agree with it.

Mr. Vogt: Well again, if we don't have the solution, it's hard to agree to that. I can understand it. But with Mr. Flanagan's and I's conversation prior to the meeting, we were headed in the right direction to an agreement.

Chairman Murphy: Okay. I'm not trying to be difficult, just legally correct. This is a new rule for us.

Mr. Vogt: I know. Yes, and it's something that I – you know, I don't how to answer if I don't know what the solution is. So it's – it's investigate the solution that we, kind of, previously discussed.

Chairman Murphy: Okay.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: Yes, thank you. Mr. Vogt, just – forgetting the weather stripping of the door for a minute – the other conditions – have you – has your client read the other development conditions?

Mr. Vogt: Yes, we've discussed-

Commissioner Hart: Are they in agreement with those?

Mr. Vogt: -the fence and the trees and – yes.

Chairman Murphy: Okay.

Commissioner Hart: That – that's good.

Commissioner Flanagan: That's actually – and I appreciate your pointing that out.

Chairman Murphy: Just to make sure, yeah.

Commissioner Flanagan: Yes, I appreciate you pointing that out. And based upon that, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-MV-071, SUBJECT TO CONDITIONS DATED MARCH 31, 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 SE 2014-MV-071, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Thank you.

Chairman Murphy: That it?

Commissioner Flanagan: That's it.

Chairman Murphy: Thank you very much.

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(The motion carried by a vote of 8-0. Commissioners Lawrence, Litzenberger, Sargeant, and Strandlie were absent from the meeting.)

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Chairman Murphy announced that the next four cases were in the Providence District and Commissioner Hart would handle these cases in Commissioner Lawrence's absence.

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PCA/FDPA 82-P-015 – YUE WANG (a/k/a MIKE WANG) –
Appls. to amend the proffers, conceptual and final development plans for RZ 82-P-015 previously approved for residential development at 9.73 du/ac, to permit residential development and associated modifications to proffers and site design at a density of 11.64 dwelling units per acre (du/ac). Located on the W. side of Hollywood Rd., E. of Morris St. and S. of Lee Landing, on approx. 2.49 ac. of land zoned PDH-12 and HC. Comp. Plan Rec: 8-12 du/ac. Tax Map 50-1 ((22)) A, and 50-1 ((22)) 1-22. (Concurrent with CDPA 82-P-015.) PROVIDENCE DISTRICT. PUBLIC HEARING.

CDPA 82-P-015 – YUE WANG (a/k/a MIKE WANG) – Appl. to amend the Conceptual Development Plan for RZ 82-P-015 to permit residential development and associated modifications to site design. Located on the W. side of Hollywood Rd., E. of Morris St. and S. of Lee Landing, on approx. 2.49 ac. of land zoned PDH-12 and HC. Tax Map 50-1 ((22)) A, and 50-1 ((22)) 1-22. (Concurrent with PCA/FDPA 82-P-015.) PROVIDENCE DISTRICT. PUBLIC HEARING.

Peter Rinek, Applicant's Agent, BC Consultants, Inc., reaffirmed the affidavit dated March 12, 2015.

There were no disclosures by Commission members.

Michael Van Atta, 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 PCA/FDPA 82-P-015 and CDPA 82-P-015.

When Commissioner Hart asked staff to explain the revisions to the proffers in the set dated April 13, 2015, Mr. Van Atta pointed out that these revisions included minor edits, such as the inclusion of additional standard language for the tree preservation walkthrough, which was articulated in Proffer Number 4, Tree Preservation. He then explained that the primary purpose for the revisions was to articulate the incorporation of the proposed development into the Lee Landing Park Homeowners Association (LLPHOA), noting that Proffer Number 10, HOA Contribution, included a monetary contribution to this homeowners association to facilitate this process. In addition, Mr. Van Atta said that additional language had been added to the proposed development would trigger the formation of a homeowners association for the proposed development if it were not accepted into the LLPHOA and this homeowners association would be responsible for the maintenance of the amenities that served the development. (A copy of the revised set is in the date file.)

Mr. Rinek indicated that the applicant had met with the surrounding community and participated in a meeting with the LLPHOA, noting that the community supported the subject applications. He added that the applicant had modified the design of the dwelling units to utilize rear-loading, which had been requested by Providence District Supervisor Linda Smyth. Mr. Rinek pointed out that there were existing dwelling units on the subject property that had become blighted. He then said that the proposed dwelling units would be consistent with the character of the surrounding community and these units would include two-car garages and two-car driveways. He added that the proposed development included six visitor parking spaces. Mr. Rinek also stated that the proposed development would include amenities such as a landscaped trellis, a barbecue area, a tot lot, and a rain garden. In addition, he said that the proposed development would include 41.8 percent open space.

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

Timothy Bielawa, 3020 Hamaker Court, Suite 301, Falls Church, representing the LLPHOA, pointed out that his community was located to the north, east, and southwest of the subject property. He explained that he had been coordinating with the applicant for approximately 18 months, but noted that there had been efforts to redevelop the site for approximately 5 years. He said that the community supported the proposal because it would improve the condition of the subject property. He also echoed remarks from Mr. Rinek regarding the presence of blighted structures on the site, adding that these blighted structures were a safety hazard. Mr. Bielawa stated that the dwelling units were larger than the units in the surrounding community, but were still consistent with the character of the community. In addition, he said that some residents in his community had expressed concern regarding the proposal's impact on home values, but indicated that the removal of blighted properties would improve the overall value of the surrounding community. Mr. Bielawa reiterated that the surrounding community supported the proposal and indicated that the LLPHOA intended to integrate the proposed development into its community. (A copy of Mr. Bielawa's statement is in the date file.)

Chairman Murphy called for speakers from the audience, but received no response; therefore, he called for a rebuttal statement from Mr. Rinek, who declined.

Commissioner Hurley pointed out the proposed rain garden's proximity to the tot lot and expressed safety concerns for the children that would be utilizing the tot lot. Mr. Rinek indicated that there would be no wall that would separate the tot lot from the rain garden, adding that such a feature was not included to ensure greater flexibility in designing the tot lot. A discussion ensued between Commissioner Hurley and Mr. Rinek regarding the ways in which to prevent children from accessing the rain garden and preserve the function of the rain garden wherein Mr. Rinek stated that the rain garden did not present a significant safety hazard, but noted that a fence could be installed around the tot lot to address this issue.

When Commissioner Hart asked if Commissioner Hurley's concern regarding the rain garden's proximity to the tot lot could be addressed prior to the Board of Supervisors' public hearing for these applications, Mr. Rinek and Mr. Van Atta indicated that they would coordinate to address this issue within the appropriate timeframe.

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 Hart for action on these cases.

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Chairman Murphy: Public hearing is closed – Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. This was a relatively straight-forward case. And I thought, actually – this is a good example of the type of infill that we probably ought to be doing. And when I went out there, the house – believe me – is not being used for a child care. You don't want the kids going there. It – it's not going to survive the next thunderstorm. I mean, it just – it's something – it's dangerous. I think it should've been torn down a long time ago. I think if children were going in there, there could be a real hazard.

Chairman Murphy: They don't have any of that tape either, I presume.

Commissioner Hart: They got nothing. It's a – it's a disaster. I mean, I don't know if we have pictures of it, but it's bad. Anyway, the application has staff's favorable recommendation and I would concur with the rationale in the staff report. And this approval is actually very consistent with what was approved years ago anyway and this is certainly a better package than we had. I think it's – I think it's ready to go. And with the – with the revised proffers, I think we've addressed the concern about stormwater. The objective will be to get the new houses to be part of the existing HOA so that they're not stuck with all the financial burdens for everything. But there will be contributions if it works out and hopefully it will – and it sounds like the HOA is on board and we're on the right on track on that – that everything can be folded in and everyone will be happy. But we have Plan B just in case that doesn't work out. Therefore, Mr. Chairman, I MOVE THAT, FIRST, THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF the –

Chairman Murphy: PCA.

Commissioner Hart: PCA 82-P-015, SUBJECT TO THE PROFFERS DATED APRIL 13, 2015.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 82-P-015, say aye.

Commissioners: Aye.

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

Commissioner Hart: Thank you, Mr. Chairman. I move that the Planning Commission recommend to the Board of Supervisors approval of FDPA 82-P-015.

Commissioner Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder. Is there a discussion of that motion? I guess we approve that, don't we? A Final Development Plan?

Commissioner Hart: Well, I'm reading here on my script, but we do approve it, don't we?

Commissioner de la Fe: Yes.

Commissioner Hart: So let me start over. I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 82-P-015.

Commissioner de la Fe: Subject to the approval-

Chairman Murphy: Second – subject to the-

Commissioner Migliaccio: Well it's subject to-

Commissioner de la Fe: Yes, subject to approval of-

Commissioner Hart: SUBJECT TO APPROVAL OF THE PCA.

Chairman Murphy: CDPA too. Seconded by Mr. Ulfelder –

Commissioner Hart: What happened to the CDPA? Uh oh.

Catherine Lewis, Zoning Evaluation Division, Department of Planning and Zoning: You don't – I mean, it – the CDPA is – well, we've had confusions about this. But the PCA refers to that CDPA. You don't actually need to make a separate motion.

Commissioner Hart: Okay. I'm just following orders here.

Ms. Lewis: Yes.

Commissioner Hart: Okay.

Chairman Murphy: Seconded by-

Ms. Lewis: You're okay.

Chairman Murphy: Seconded by Mr. Ulfelder. All those in favor of the motion to approve FDPA 82-P-015, subject to the PCA and the CDPA – right? Say aye.

Commissioners: Aye.

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

Commissioner Hart: Mr. Chairman, before they go, let me thank Mr. Van Atta and Ms. Lewis for their help – their fine help on very short notice – on getting me up to speed and getting this ready.

Chairman Murphy: Thank you very much.

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(Each motion carried by a vote of 8-0. Commissioners Lawrence, Litzenger, Sargeant, and Strandlie were absent from the meeting.)

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SE 2014-PR-067 – KONSTANTIN E. PANOV – Appl. under Sects. 3-204 and 9-300 of the Zoning Ordinance to permit a child care center. Located at 9653 Blake Ln., Fairfax, 22031, on approx. 18,679 sq. ft. of land zoned R-2. Tax Map 48-3 ((19)) 1. PROVIDENCE DISTRICT. PUBLIC HEARING.

Konstantine Panov, Applicant/Title Owner, reaffirmed the affidavit dated November 7, 2013.

There were no disclosures by Commission members.

Suzanne Wright, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of application SE 2014-PR-067 because the following:

- The proposed access and parking provisions for the proposed child care center were not sufficiently safe;
- The internal circulation on the site could not sufficiently accommodate parking or drop-off/pick-up due to the limited space provided by the driveway;
- The increased traffic generated by the proposal would negatively impact Blake Lane because of vehicles queuing during drop-off/pick-up periods on the site;
- The necessary landscaping requirements to accommodate additional parking would negatively impact the surrounding residential neighborhood; and
- The proposal did not provide sufficient stormwater management features.

When Commissioner Hart asked about the status of the outstanding issues since the publication of the staff report, Ms. Wright indicated these issues had not yet been resolved.

Mr. Panov explained that the subject application would permit a child care facility that specialized in early development education. He pointed out that there was a similar facility that

operated on a commercial property in Reston, noting the quality of the service provided and the significant demand for this service. He stated that the subject property could accommodate the proposed use because it was large enough to accommodate the necessary parking provisions. Mr. Panov also indicated that the proposed child care center would not negatively impact the surrounding residential properties because the frontages of these properties were not oriented towards the site. In addition, he said that the size of the subject property and the size of the existing structure on the site provided a sufficiently large play area to accommodate the requested maximum of 25 children for the proposed child care facility. He also indicated that the traffic impact of the proposal would not be significant because the peak-hour traffic along Blake Lane was low. Mr. Panov said that the applicant had coordinated with a licensed architect to make the appropriate modifications to the existing structure on the site to ensure that it was in compliance with the Zoning Ordinance. In addition, he stated that the Fairfax County Department of Transportation (FCDOT) had informed the applicant that a traffic study was not necessary because of the low traffic volume of the surrounding area. He also pointed out that a commercial pre-school was located near the subject property, which had a maximum capacity of 105 children. Mr. Panov said that the existing child care facility on the site was licensed by the State of Virginia to care for 12 children and the subject application would permit an additional 13 children. He added that the existing facility had no outstanding complaints from neighboring residents, noting the low density of the surrounding properties and the limited number of properties that would be affected. Addressing staff's concerns regarding the parking provisions for the proposed facility, Mr. Panov explained the following:

- The applicant had coordinated with BC Consulting Inc. to modify the existing gravel circular driveway into an asphalt one-way circular driveway, which would provide sufficient ingress/egress and parking for the site;
- The parking spaces in the proposed asphalt one-way circular driveway were parallel spaces, which would minimize safety concerns for vehicles backing out;
- The parking spaces in the proposed asphalt one-way circular driveway were 22 feet in length, which was longer than the standard 18 feet for parallel spaces;
- The subject property could accommodate five additional parking spaces by installing a gravel lot to the west of the existing building;
- The subject property could also accommodate three additional parking spaces to the east of the existing building;
- The applicant would utilize a staggered pick-up/drop-off schedule for the children attending the proposed child care center, which would permit a maximum of four children arriving within a 15-minute period; and
- The applicant did not object to implementing a policy that would specify the locations and procedure for pick-up/drop-off on the site.

Mr. Panov then indicated that staff had determined that the applicant's proposed parking provisions were not sufficient. He also said that staff had expressed concern regarding landscaping and stormwater management on the subject property, but noted that the resolution of these issues was contingent on addressing the parking provisions and the applicant would coordinate with staff to address their concerns. Mr. Panov addressed staff's determination regarding the proposal's incompatibility with the Comprehensive Plan, explaining that this determination was based on the parking provisions for the proposed child care facility and this issue could be addressed by implementing an appropriate resolution. In addition, he stated that the subject property could accommodate a child care center and indicated that if the subject application was denied, then the applicant would consider reducing student capacity.

Commissioner Hart asked whether the parking configuration had been finalized. Ms. Wright explained that staff had not evaluated the applicant's proposal to install additional spaces to the west and east of the existing structure on the site, adding that this configuration could incur landscaping and stormwater management issues.

Commissioner Hart stated that he had visited the subject property and expressed concern that the proposed asphalt one-way circular driveway would be too confined, noting that the employees for the proposed child care center would take up some of the parking spaces and that there was no street parking along Blake Lane. He also expressed concern that the driveway would not be large enough to accommodate both parking and pickup/drop-off. A discussion ensued between Commissioner Hart and Mr. Panov regarding the following issues:

- The number of parking spaces that would be utilized by the employees at the proposed child care center;
- The amount of required parking at the site as prescribed by the Zoning Ordinance;
- The impact the applicant's parking would have on the residential character of the subject property
- The stormwater management features that would be required on the site due to parking; and
- The limited options for installing a suitable stormwater management features on the site due to its triangular shape.

Responding to questions from Commissioner Hart, Mr. Panov reiterated that the applicant could supplement the proposed parking on the site by installing additional spaces to the west of the existing structure. He then indicated that the employees of the proposed child care facility would utilize two to three parking spaces on the site and two to three parking spaces would be utilized for pick-up/drop-off. A discussion ensued between Commissioner Hart and Mr. Panov, with input from Lou Ann Hutchins, FCDOT, regarding the queuing of vehicles onto Blake Lane wherein Mr. Panov explained that the existing driveway on the subject property would be extended and would sufficiently accommodate five vehicles to limit such queuing, but Ms. Hutchins stated that

staff was still concerned about this issue, noting that queuing on Blake Lane could negatively impact the nearby preschool.

In reply to questions from Commissioner Hart, Mr. Panov said that there was an existing child care facility operating at the residence on the site and confirmed that there was a resident living at this facility. He also indicated that the applicant had submitted a Special Permit application for the subject property, which would permit the continued operation of the facility with a maximum capacity of 12 children.

Answering questions from Commissioner Hurley, Mr. Panov clarified that the age range of the children who would be attending the proposed child care facility would be between two-and-a-half and five years old. He then indicated the age range articulated in the staff report, which stated that it would be between one-and-a-half and five years old, was incorrect. He also said that the staffing requirement for children of this age range of two-and-a-half and five years old was one teacher per 10 children. A discussion ensued between Commissioner Hurley and Ms. Wright regarding the staffing requirements for children of the proposed age range for the subject application.

When Commissioner Hurley expressed concern about making a left turn into the site, Catherine Lewis, ZED, DPZ, pointed out that left turns were not permitted into the site from Blake Lane due to the presence of a median and explained that vehicles were required to make a U-turn at Five Oaks Road to access the site.

Replying to questions from Commissioner Migliaccio, Ms. Lewis said that there was no curb cut on Blake Lane and reiterated that a U-turn was required to access the site. Ms. Wright also explained that staff had suggested that the applicant pursue a shared parking agreement with the nearby preschool, but that such an agreement had not been secured. Mr. Migliaccio echoed concerns raised by Commissioner Hurley regarding the staffing requirements at the school, saying that the proposed staffing was not sufficient. He also concurred with concerns raised by Commissioner Hart regarding the possible queuing of vehicles onto Blake Lane, stating that the provisions articulated in the subject application were not sufficient for a capacity of 25 students.

Commissioner Flanagan pointed out that staff had concluded that the subject application did not meet six of the eight general special exception standards set forth in the Zoning Ordinance. He then stated that the applicant had not sufficiently contested these conclusions and asked whether this could be accomplished prior to the Board of Supervisors' public hearing if the Planning Commission were to recommend approval, adding that he did not support the proposal if these deficiencies were not addressed. Mr. Panov said that the applicant had not sufficiently reviewed the staff report and would need additional time to produce an appropriate response to staff's conclusions. Commissioner Flanagan suggested that the decision only for the subject application be deferred to provide this time for the applicant.

Commissioner Ulfelder echoed remarks from Commissioner Hart regarding the constraints of the site due to its irregular shape, the limited parking provisions for the proposed child care facility, the need for additional landscaping on the site, and the need for additional stormwater management features. He then asked for more information about the similar child care facility in Reston that was mentioned in the applicant's presentation. Mr. Panov explained that this facility

was located in a commercial facility with access to public parking. He added that this facility utilized approximately 5,500 square feet of space, accommodated 35 students at an age range of two-and-a-half to seven years of age, and included an outside play area that was shared with a neighboring health club. When Commissioner Ulfelder asked how the proposed child care facility would complement this existing facility in Reston, Mr. Panov indicated that the facility in Reston would continue to operate and noted that there was a significant waiting list for parents seeking to enroll their children in the applicant's child care facility. Commissioner Ulfelder said that he favored utilizing a commercial site for the proposed child care facility.

Commissioner de la Fe concurred with Commissioner Ulfelder, saying he also favored utilizing a commercial property for the proposed child care facility.

There being no listed speakers, Chairman Murphy called for speakers from the audience.

Andrew Kriegel, 4622 Cabmbryar Street, Fairfax, spoke in favor of the subject application, noting the quality of the care provided and echoing Mr. Panov's remarks regarding the waiting list for the applicant's child care facility. He said that he had a child attending the existing child care facility on the site and described the facility, noting that facility specialized in caring for children from families of specific foreign backgrounds. Mr. Kriegel addressed concerns regarding access to the site, pointing out that the nearby preschool also had to utilize U-turns to access its site. He then addressed concerns regarding the parking at the site, saying that no complaints had been raised by parents or neighbors. Mr. Kriegel also pointed out that the driveway on the site was sufficiently wide to accommodate both parking and pick-up/drop-off. In addition, he indicated that the existing parking and the staggered pick-up/drop-off schedule were sufficient to ensure that queuing on Blake Lane did not occur. He then suggested that if the Planning Commission could not approve the proposal, a temporary measure be adopted to allow some of the children on the waiting list to be accommodated.

Chairman Murphy stated that the quality of the care provided by the applicant was not a criterion that Planning Commission could use in rendering a decision for the proposal.

Catherine Zhu, 9712 Water Oak Drive, Fairfax, voiced opposition to the subject application because of concerns regarding its provisions for landscaping and screening. She pointed out that her property was located south of the subject property, adding that there was a fence between the properties. She then stated that she did not support the applicant's intention to retain this fence, saying that this fence was in poor condition and needed to be replaced. In addition, Ms. Zhu said that she did not support planting tall trees along the barrier between her property and the subject property, noting that she favored shrubs and bushes. She also concurred with Commissioner Hart's concerns regarding the need for additional stormwater management on the site.

Olga Pimoshenko, 9340 Clocktower Place, Suite 463, Fairfax, spoke in support of the subject application. She said that her children attended the existing child care facility on the site and echoed remarks from Mr. Kriegel regarding the quality of the care provided and the demand for the services provided by the facility. She then encouraged staff and the Planning Commission to coordinate with the applicant to address the outstanding issues.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Panov, who requested that the Planning Commission defer the decision only for the subject application to permit additional time for him to address concerns raised by staff and the Commissioners.

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 Hart for action on this case.

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Chairman Murphy: Public hearing is closed – Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. Commissioner Murphy had pointed out, I think, that the – we're not in the business, necessarily, of criticizing the school. In fact, I think that – from what I've read, the school seems to be a fine and valuable program. We have a great diversity in Fairfax County of schools and languages. I think we – I've read we have over 40 different languages in the public schools and we are one of the most diverse counties in the country in terms of the number of languages and the number of students and – things we have going in the County. We have applications for – Special Permits for home daycares every week and I'm continually amazed at the variety of languages and programs that come before us on those. I think, so far, we're only about halfway through several hundred of these. Probably a majority of the ones that we have are non-English speaking applicants and some of them – we've even had languages where – I don't even know what language it was. We had to get interpreters from Richmond, some of whom had flat tires and couldn't help us. But it – we have a wide variety of uses like that, which I think we try and accommodate. We want to have options like that for parents. We want to provide those services to the community. Having said that, not every site is going to work for every single application. What I'd like to do and – Mr. Panov has requested a deferral. We had something new tonight, which I hadn't anticipated. And what I would like to do is have a brief deferral to at least look at a couple things with staff – the parking, the configuration with the five parking spaces to the side, and at the same time a rough calculation of the area and what that does because I think that may tip us over the 2,500 into a stormwater facility. And then where do we go with that? And I don't know that that's going to work either, but let's – let's at least evaluate that. And the same thing, again, with – in coordination with the transportation people – if the parking isn't – the parallel, but it's the perpendicular parking – whether it's five spaces or more than that – what does that do to this configuration on the loop and – it still may not work. But let's look at those two things. Ms. Zhu brought up a couple things. The condition of the fence – and I agree things are a little dilapidated on the site and maybe that's something to look at – and also, the landscaping. And I think this was the first time that I can recall, in however many public hearings, of someone wanting shorter trees than what was proposed – always, always people want massive buffers. But let's – let's look at that. So the fence, landscaping, the parking, the stormwater – I mean, we sort of had some of those things to begin with, but – if we can do a short deferral to that. I had the date of the 22nd, but I don't think that – given that – it may be too quick of a turnaround. So where does that leave me?

Catherine Lewis, Zoning Evaluation Division, Department of Planning and Zoning: We – staff might suggest a month to give the applicant some time to submit things and look at it. And one

other item I thought staff would need to look at is – Ms. Hurley’s point about the ratio of staff to children so that we can really gauge how much staff and how the parking might increase in stuff – yes.

Commissioner Hart: I didn’t mention that. But it changes the number of-

Ms. Lewis: Yes.

Commissioner Hart: -parking spaces.

Ms. Lewis: Correct.

Commissioner Hart: And I want us to look at-

Ms. Lewis: Yes.

Commissioner Hart: -if it’s five or it has to be more. I’m – I did say that. And I’d assume-

Ms. Lewis: No – no. Yes.

Commissioner Hart: -that’s within the scope of that.

Ms. Lewis: Yes.

Commissioner Hart: How – if we are going out about a month, what does that –

Commissioner Flanagan: There’s no Board date.

Kimberly Bassarab, Deputy Director, Planning Commission: We could do the 13th. We can do May 20th, May 21st.

Suzanne Wright, Zoning Evaluation Division, Department of Planning and Zoning: May 20th, probably, would be fine with me.

Commissioner Hart: All right. Mr. Chairman, I move that the Planning Commission defer the decision only for SE 2014-PR – oh wait, let me just ask – Mr. Panov, May 20th – is that an acceptable date for you all?

Konstantin Panov, Applicant/Title Owner: I guess I will have no choice but to try to keep that date.

Commissioner Hart: Yes, well I meant in terms of – you know, you have a trip or something – the evening of May 20th would –

Mr. Panov: No.

Commissioner Hart: Okay. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2014-PR-067 TO A DATE CERTAIN OF MAY 20, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioners Migliaccio and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to defer decision only to SE 2014-PR-067 to a date certain of May 20th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 8-0. Commissioners Lawrence, Litzenberger, Sargeant, and Strandlie were absent from the meeting.)

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The Commission went into recess at 9:49 p.m. and reconvened in the Board Auditorium at 10:01 p.m.

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RZ 2013-PR-014 – AUASABLE, LLC – Appl. to rezone from R-1 to R-5 to permit residential development with a total density of 3.76 dwelling units per acre (du/ac) and waiver of minimum lot width for Lots 3 and 11 per Sect. 9-610 of the Zoning Ordinance. Located on the S. side of Arlington Blvd., approx. 1,000 ft. W. of its intersection with Barkley Dr., on approx. 3.72 ac. of land. Comp. Plan Rec: 3-4 du/ac and private open space. Tax Map 48-4 ((1)) 44. PROVIDENCE DISTRICT. PUBLIC HEARING.

Lori Greenlief, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit dated March 11, 2015.

There were no disclosures by Commission members.

Michael Van Atta, 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 application RZ 2013-PR-014.

Commissioner Hart asked staff to explain how the applicant would address the fill in the Resource Protection Area (RPA). Mr. Van Atta explained that the applicant had agreed to remove this fill prior to the issuance of the first building permit. He added that the removal of this fill would be subject to the review of the Department of Public Works and Environmental Services.

Commissioner Hart asked staff to explain what would occur if the Fairfax County Park Authority (FCPA) did not accept the dedication of Parcel B. Mr. Van Atta stated that if this dedication were not accepted, then Parcel B would be dedicated to the homeowners association as open space. When Commissioner Hart asked about the permanence of this open space, Mr. Van Atta confirmed that this dedication would remain open space and could not be modified for another use.

Ms. Greenlief said that there had been multiple attempts to redevelop the subject property, noting the constraints of the site due to its narrow shape, the presence of an RPA, the planned widening of Route 50, and the required installation of a service drive. She then explained that the subject application included a site design that would redevelop the property within these constraints with compatible residential units at a density consistent with the surrounding area. Ms. Greenlief also indicated that Proffer Number 19, Resource Protection Area and Environmental Quality Corridor Restoration Plan, in the revised proffers dated April 15, 2015 included a commitment that the applicant would coordinate with the FCPA on a plan that would restore the buffer in the RPA by removing invasive plant species and the existing fill. In addition, she stated that the proposal included the dedication of right-of-way to accommodate a future widening of Route 50 and a service drive that was consistent with County standards. Ms. Greenlief also said that proposal included the following transportation improvements:

- The installation of a pedestrian signal;
- The installation of ramps consistent with the standards prescribed by the Americans with Disabilities Act;
- The installation of additional sidewalks and crosswalks;
- The relocation of existing traffic signals; and
- The installation of a bus shelter with pedestrian appropriate connections.

Ms. Greenlief then explained that the subject application would rezone the subject property to a conventional R-5 (Residential District, Five Dwelling Units/Acre) district and the proposed development would meet the necessary requirements for open space, tree preservation, and density. In addition, she stated that the density of the proposed development would generate less traffic than the existing use, which was a nursery. She then commended the Chesterfields Mews and Mantua communities for coordinating with the applicant on the proposal, noting that the applicant had coordinated with the Chesterfields Mews Community on the landscaping plan articulated in the proffers. Ms. Greenlief added that the applicant had committed to removing areas of invasive plant species on neighboring properties and coordinating with neighboring residents on the tree preservation during subdivision review. She then said that the applicant had coordinated with other surrounding communities on the proposal and no outstanding issues had been raised. In addition, she pointed out that the applicant had proffered noise mitigation measures, green building practices, RPA restoration, a landscaping plan, contributions to the Fairfax County Housing Trust Fund, contributions to parks and schools, and contributions to additional funds within the Providence District. Ms. Greenlief said that the revised proffers contained minor modifications that were intended to reflect the applicant's coordination with staff to address concerns regarding the RPA and the proffer commitments to neighboring communities. In conclusion, she stated that the proposal was consistent with the Comprehensive

Plan and the applicable Residential Development Criteria, adding that the proffers sufficiently addressed concerns raised by staff and the surrounding community. (A copy of the revised proffers is in the date file.)

Chairman Murphy called the first listed speaker.

Gordon Silcox, 3159 Colchester Brook Lane, Fairfax, representing the Chesterfields Mews Community Association (CMCA), said that the Chesterfields Mews Community was located to the west and south of the subject property. He then stated that the CMCA did not object the proposal, but expressed concerns about the impact it would have on stormwater management, landscaping, border fencing, and traffic. Mr. Silcox said that the applicant had coordinated with the CMCA to address these concerns and commended the applicant for keeping the community informed as the plans were modified. In addition, he indicated that the applicant had committed to creating a boundary between the proposed development and Chesterfields Mews Community, stating that he supported this commitment. Mr. Silcox then stated that the community would continue coordinating with the applicant to address any additional concerns that arose. (A copy of Mr. Silcox's statement is in the date file.)

Referring to Proffer Number 24, Supplemental Landscaping and Screening, Commissioner Hurley noted that the proposed fence that would separate the subject property from the Chesterfields Mews Community would not contain any gates. She then asked whether the Chesterfields Mews Community supported this design. Mr. Silcox indicated that the CMCA had coordinated with the residents of the Chesterfields Mews Community and concluded that the community did not support the inclusions of gates in this fence. A discussion ensued between Commissioner Hurley and Mr. Silcox regarding the location and accessibility of the proposed bus shelter for the site.

Fran Wallingford, 3311 Mantua Drive, Fairfax, representing the Mantua Citizens Association, said that the Mantua community was located to the east of the subject property and expressed support of the proposal. However, she expressed concern regarding the applicant's contributions for parks, as articulated in Proffer 37, Recreation Contributions, saying that she favored allocating funds for Eakin Park, which was located near the subject property. Ms. Wallingford echoed concerns raised by Commissioner Hart regarding Parcel B in the event the FCPA did not accept it as a dedication, stating that she did not favor utilizing the density on this parcel on another portion of the site. She then suggested that the language in Proffer Number 21, Park Authority Dedication, be modified to ensure that the use for Parcel B remained unchanged. In addition, Ms. Wallingford expressed concern regarding the requirement for the applicant to provide designs depicting efficient use of the garage space.

Commissioner Hart explained that if the subject application were approved with its current provisions, then modifying the use or designation for Parcel B would require a separate application. He then said that he favored modifying the language of the proffers prior to the Board of Supervisors' public hearing to ensure the density of the proposed development and of Parcel B remained unchanged. Mr. Van Atta concurred with Commissioner Hart's statement and stated that he did not object to his suggestion.

Howard Albers, 3210 Wynford Drive, Fairfax, stated that he did not support the applicant's request for a waiver of Section 17-201(2) of the Zoning Ordinance to construct a trail along Route 50. He said that he was speaking on behalf of the Fairfax Advocates for Better Bicycling and explained that granting this requested waiver was not consistent with the November 2003 study conducted by the Virginia Department of Transportation on the area's bicycle network because it would not sufficiently improve the existing bicycle paths along Route 50. Mr. Albers indicated that the Fairfax County Trails Plan recommended bicycle paths along both sides of Route 50, but noted that there were gaps in this network, as shown in a handout that had been distributed to the Commission prior to his testimony. He then pointed out that granting the requested waiver would hinder improvements that would address the gaps in the bicycle path network. In addition, Mr. Albers said that requiring the applicant to construct this section of the trail would improve the County's bicycle trails network. He also indicated that the applicant's proposed alternative to the trail was too narrow to accommodate bicycle traffic. He added that including a trail that could accommodate bicycle traffic would increase the property values of the proposed development. In conclusion, Mr. Albers indicated that he did not object to the proposed development, but reiterated that he did not support granting the applicant the requested waiver to construct a trail along Route 50. (A copy of Mr. Albers handout is in the date file.)

A discussion ensued between Chairman Murphy and Mr. Albers regarding the cost incurred by the applicant for constructing the portion of the trail required by the Zoning Ordinance.

A discussion between Commissioner Ulfelder and Mr. Albers ensued regarding the existing trails around the subject property wherein Mr. Albers indicated that these trails connected to service roads along Route 50.

Commissioner Hart concurred with Mr. Albers on the importance of implementing the trails prescribed by the Comprehensive Plan, but noted the difficulty in requiring applicants to construct portions of these trails. He explained that a decision rendered by the United States Supreme Court had determined that localities could not make the implementations for certain improvements a condition for approval, unless the improvement was proportional to the proposed development. In addition, Commissioner Hart said that the State of Virginia had enacted legislation as a result of this decision that discouraged localities from requiring certain improvements, such as trail connections. He added that such improvements could be implemented by applicants voluntarily.

Commissioner Hedetniemi echoed remarks from Commissioner Hart regarding the importance of implementing the trails prescribed by the Comprehensive Plan. A discussion ensued between Commissioner Hedetniemi and Mr. Albers regarding additional gaps in the trail network along Route 50 and other methods of addressing these gaps within the constraints articulated by Commissioner Hart wherein Mr. Albers confirmed that there would still be gaps in the network even if the applicant complied with the trail requirement prescribed by the Zoning Ordinance.

A discussion ensued between Commissioner Flanagan and Commissioner Hart, with input from Mr. Albers, regarding the ability for the County to preclude the construction of any improvement in the portion of the subject property where a trail connection could be implemented wherein Mr. Albers indicated that he also favored requiring the applicant to reserve funds for such an improvement.

Chairman Murphy called for speakers from the audience.

Sonya Breehey, 2902 Marshall Street, Falls Church, aligned herself with Mr. Albers' remarks regarding the importance bicycle trails. She stated that she and her family frequently utilized the bicycle trails in the area surrounding the subject property. She also described the quality of the trails throughout the surrounding area and noted the importance of improving the trail network along Route 50. Ms. Breehey explained that the applicant's proposed improvements for the site's frontage along Route 50 was insufficient, stating that the proposed sidewalk would be too narrow to accommodate bicycle traffic. She then echoed remarks from Mr. Albers, saying that the applicant's request for a waiver of Section 17-201(2) of the Zoning Ordinance to construct a trail along Route 50 was not consistent with the County's proposed trail network. Ms. Breehey added that permitting the waiver would discourage the use alternate methods of transportation.

A discussion between Commissioner Ulfelder and Mr. Van Atta ensued regarding the County's Bicycle Master Plan recommendations for the portion of Route 50 that abutted the subject property.

A discussion between Commissioner Flanagan and Mr. Van Atta ensued regarding whether Route 50 could accommodate on-road bicycle lanes.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Greenlief, who pointed out that the subject application would provide a five-foot wide sidewalk and a service drive along the frontage of the subject property. She then pointed out that there was not sufficient space to provide a bicycle trail along this portion of Route 50, but noted that such a trail could be more feasible after Route 50 was widened.

Chairman Murphy called for closing remarks from Mr. Van Atta, who declined.

Commissioner Hart asked whether the applicant would be amenable to modifying Proffer Number 21 prior to the Board of Supervisors' public hearing to ensure that Parcel B would not be used to change the density of the proposed development. Ms. Greenlief did not object to this request. When Commissioner Hart requested that staff coordinate with Ms. Greenlief on this language, Mr. Van Atta concurred.

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

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Chairman Murphy: Public hearing is closed – Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. First, let me thank the speakers for coming out this evening. Let me thank, also, the applicant for continuing to work with staff and make changes in conjunction with the comments from the community and the Supervisor's office. Let me also thank Mike Van Atta and Cathy Lewis for their assistance, again, in getting me up to speed in a relatively short period of time. This is a property – I think I've been reading staff

reports about this property for about 15 years. Between the BZA and the Planning Commission, we've seen this property several times. But I think this is the – the best reading we've had of this material. This is – this is the best scheme, I think, we've seen for development on this property. We have a proffer package that does a number of things. It will clean up the fill in the RPA that shouldn't be there. It will dedicate that area to the Park Authority if they take it and we have built in – Plan B if, for whatever reason, they don't take it – that the HOA will have. It's – this is a challenging site in some ways. It's right along a major highway. It's wide and shallow and all the homes are always going to be right along the road. But I think we have – we have worked out the details. We have a favorable staff recommendation and I concur with the rationale with the staff report. I think that the question of the confirmation about the open space not being able to be severed and combined with somebody else for additional density will be clarified before the Board. I think it's – I think it's clear as a bell now, but we'll chisel that in stone. And with the most recent package, I think the conceivable impacts from this will be satisfactorily mitigated. I would not also, with respect to the trails waiver, my sympathies lie with the trails advocate tonight. I think I would ordinarily – and maybe up until a couple years ago – I would have pushed pretty hard to get even a little segment across the front of this property. I note also that with the topography that Ms. Greenlief described – particularly the bridge over the stream – or how you get across the stream – those, in my experience as the trails chairman, were always very expensive connections to make and even more difficult to require of an applicant not on that property, but an adjacent property. And so I think that, given the rationale that we've been given for the waiver – given the current state of affairs of the properties around it – and given, also, the possibility in the future of a widening project for Route 50, that it would – Route 50 is going to get a third lane at some point – hopefully, the money would materialize – in conjunction with that project – everything that's going to have to be sorted out, including such things as the bicycle or multi-purpose trails along either side of the road. And so – even though it isn't solving the problem now – I think we're not precluding anything in the future. This application certainly isn't precluding that from happening at an appropriate time, in accordance with whatever the legislative scheme may be. I think this is ready to go and I think we feel good about this property and that this going to be a positive asset for the neighborhood. Therefore, Mr. Chairman, first I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2013-PR-014, SUBJECT TO PROFFERS DATED APRIL 15, 2015.

Commissioners Hedetniemi and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder 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 RZ 2013-PR-014, say aye.

Commissioners: Aye.

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

Commissioner Hart: Yes, thank you, Mr. Chairman. Second, I'm going to – I'm going to do the package all together unless somebody wants to –

Commissioner Flanagan: No.

Commissioner Hart: -pull something out.

Chairman Murphy: Go.

Commissioner Hart: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING WAIVERS AND MODIFICATIONS:

- A MODIFICATION OF THE MINIMUM DISTRICT SIZE, PURSUANT TO SECTION 9-610 OF THE ZONING ORDINANCE TO PERMIT A DISTRICT SIZE OF 3.72 ACRES;
- A MODIFICATION OF SECTION 17-201 (3A) OF THE ZONING ORDINANCE TO CONSTRUCT A SERVICE DRIVE across the site – ACROSS THE SITE AND DETAIL TS-3 OF THE PUBLIC FACILITIES MANUAL (PFM) TO CONSTRUCT A SIDEWALK ALONG THE SERVICE DRIVE TO PERMIT THE SERVICE DRIVE AND SIDEWALK AS SHOWN ON THE GDP;
- A MODIFICATION OF SECTION 17-201(2) OF THE ZONING ORDINANCE TO CONSTRUCT A TRAIL ALONG ARLINGTON BOULEVARD TO PERMIT THE SIDEWALK AS SHOWN ON THE GDP;
- A WAIVER OF SECTION 17-201(4) OF THE ZONING ORDINANCE TO CONSTRUCT A THIRD LANE ALONG ARLINGTON BOULEVARD;
- A WAIVER OF SECTION 7-0101.1 OF THE PFM TO PROVIDE INTERPARCEL ACCESS; AND
- A WAIVER OF SECTION 9-610 OF THE ZONING ORDINANCE FOR THE MINIMUM LOT WIDTH FOR A CORNER LOT FOR LOTS 3 AND 11.

Commissioners Hedetniemi and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder and Mr. – Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion, as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Thank you.

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(Each motion carried by a vote of 7-0. Commissioners Lawrence, Litzenger, Sargeant, and Strandlie were absent from the meeting. Commissioner de la Fe was not present for the vote.)

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RZ 2014-PR-018 – THE EVERGREEN COMPANIES, LLC –
Appl. to rezone from R-1 to R-4 to permit residential development with a total density of 3.12 du/ac. Located on the S. side of Chain Bridge Rd., in the S.W. quadrant of its intersection with Sutton Rd., on approx. 1.28 ac. of land. Comp. Plan Rec: 3-4 du/ac. Tax Map 48-1 ((1)) 50. PROVIDENCE DISTRICT. PUBLIC HEARING.

Scott Adams, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit dated March 13, 2015.

There were no disclosures by Commission members.

Suzanne Wright, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application RZ 2014-PR-018.

When Commissioner Hart asked whether the driveway for the proposed development would be sufficient, Ms. Wright indicated that the Zoning Ordinance did not preclude this driveway from serving four residences.

Replying to questions from Commissioner Flanagan, Ms. Wright said that the driveway would be privately maintained by the homeowners association for the proposed development. She also stated that the service drive along Sutton Road could accommodate three visitor parking spaces. In addition, Ms. Wright stated that the proposed dwelling units would include garages that could accommodate two vehicles and driveways that could accommodate two additional vehicles, but noted that there would be no parking permitted along the driveway that accessed the property.

Commissioner Ulfelder asked whether the applicant had sufficiently addressed staff's concerns regarding noise attenuation on the site. Ms. Wright indicated that staff had coordinated with the applicant and the applicant had agreed to conduct a noise study. She then explained that the applicant would utilize the results of this study to finalize the proposal's noise attenuation provisions prior to the Board of Supervisors' public hearing for this case.

Commissioner Hedetniemi asked for additional information on the design and location of the proposed noise barrier. Ms. Wright said that the barrier would be approximately six feet in height and its location would be determined based on the results of the applicant's noise study.

Mr. Adams explained that the subject property had been planned for redevelopment for a number of years and the subject application would implement a development consistent with the Comprehensive Plan and the surrounding community. He stated that the Comprehensive Plan recommended a density of approximately three to four dwelling units per acre for the site and the

density of the proposed development was 3.12 dwelling units per acre. Mr. Adams pointed out that the density of the surrounding properties was R-4 (Residential District, Four Dwelling Units/Acre) or PDH-4 (Planned Development Housing District, 4 Dwelling Units Per Acre) and the lot sizes of the proposed development would be similar in size to these properties. He noted the challenges of providing access to the proposed development, citing existing curb cuts and a planned widening of Chain Bridge Road. He then said that utilizing a private driveway that would be accessed from Sutton Road would provide sufficient ingress/egress, adding that the applicant would dedicate right-of-way along Chain Bridge Road. In addition, Mr. Adams said this right-of-way dedication would accommodate the necessary bicycle lanes prescribed by the County's Bicycle Master Plan. He added that the proposal included the installation of sidewalks along the frontage of the proposed development, which would connect with existing sidewalks on Sutton Road. Mr. Adams stated that the applicant's proffered commitments included utilization of green building features for the proposed development and contributions to schools and parks. He then echoed remarks from Ms. Wright regarding visitor parking for the proposed development, saying that there would be three striped visitor parking spaces along the service drive on Sutton Road in addition to the four parking spaces provided for each dwelling unit. He also indicated that there were other areas of the driveway that could be utilize for parking if necessary. However, he indicated that the four parking spaces provided for each dwelling unit should sufficiently accommodate the parking needs of the residents. Mr. Adams also echoed remarks from Ms. Wright regarding the applicant's commitment to conducting a noise study, stating that the applicant had coordinated with Providence District Supervisor Linda Smyth and had agreed to conduct this study prior to the Board of Supervisors' public hearing for this case. He added that this study would provide the necessary information on the necessary noise attenuation measures for the site. Mr. Adams said that the applicant had coordinated with staff on designs for the proposed noise barrier, noting that a specific material for this barrier had not been determined.

Commissioner Flanagan expressed concern regarding the proposal's visitor parking provisions. A discussion ensued between Commissioner Flanagan and Mr. Adams regarding the manner in which prospective homeowners would be informed of these parking provisions and the extent to which this information would be conveyed to subsequent homeowners wherein Mr. Adams indicated that he did not object to including language in the land use documents that disclosed this information pertaining to visitor parking provisions.

When Commissioner Flanagan asked whether the Fire Marshal had assessed the safety conditions for the private driveway on the proposed development, Catherine Lewis, ZED, DPZ, said that the no concerns had been expressed, adding that Chain Bridge Road would be utilized in the event of an emergency.

Commissioner Hart stated that he had coordinated with the applicant to finalize the building materials for the proposed noise barrier on the subject property, noting that the use of cinderblock was discouraged due to visibility concerns. He then indicated that he favored utilizing low-maintenance materials for this barrier.

Chairman Murphy called the first listed speaker.

Terry Harrak, 2712 Chain Bridge Road, Vienna, voiced opposition to the subject application because it was not consistent with the Comprehensive Plan. She said that the surrounding community had not been sufficiently informed about the recommended development for the subject property. She then pointed out that her community was zoned R-1 and the density of the proposed development was too high. Ms. Harrak also echoed concerns from Commissioner Flanagan regarding the visitor parking provisions for the proposed development, saying that these provisions were insufficient. She added that the proposed visitor parking spaces could be utilized by vehicles who were not guests for the proposed development or by vehicles servicing the nearby public utility facility operated by Verizon. Ms. Harrak said that density of the proposed development and the limited visitor parking provisions would have a negative impact on the value of her property and her neighborhood. She added that she had included a petition opposing the proposal in her statement signed by approximately 50 residents of the surrounding community, noting that 14 of these signatures were from residents who resided along Chain Bridge Road. Ms. Harrak noted the character of the residences around Chain Bridge Road and stated that the proposed development was not consistent with this character, adding that other nearby communities had access points located along Chain Bridge Road while the proposed development was accessed from Sutton Road. In addition, she expressed safety concerns regarding the proposed development, saying that the ability for emergency vehicles to access the subject property was not sufficient. (A copy of Mr. Harrak's statement is in the date file.)

Commissioner Flanagan asked Ms. Harrak about her involvement in the previously-approved amendment to the Comprehensive Plan that modified the density recommendations for the subject property to three to four dwelling units per acre. Ms. Harrak indicated that she had not been present at the public hearing where the Comprehensive Plan had been amended, noting the difficulty of remaining sufficiently informed of these issues. A discussion ensued between Commissioner Flanagan and Ms. Harrak regarding the criteria staff utilized to recommend approval of the subject application wherein Ms. Harrak said she had coordinated with staff and the surrounding community to express her concerns.

In reply to questions from Commissioner Ulfelder, Ms. Harrak pointed out the location of her property and the location of the driveway that accessed her property. She then noted that her property was approximately one acre in size and zoned R-1 (Residential District, One Dwelling Unit/Acre). In addition, Ms. Wright stated that the properties located to the south and north of the site were zoned PDH-4 at a density of three to four dwelling units per acre. She also confirmed that other nearby lots could be rezoned at a similar density, noting that there had been redevelopment efforts to this effect.

David Leifer, 2712 Chain Bridge Road, Vienna, voiced opposition to the subject application, aligning himself with remarks from Ms. Harrak. He said he supported redeveloping the subject property with a residential development, but favored utilizing a lower density. He echoed concerns from Commissioner Flanagan and Ms. Harrak regarding the parking provisions for the proposed development. In addition, he expressed concern about the amount of tree-removal that would occur under the subject application and the associated environmental impact. Mr. Leifer also echoed concerns from Commissioner Hart regarding the design and visual impact of the proposed sound barrier on the site. In addition, he pointed out that the character of the existing communities and the tree cover near the subject property was not consistent with the proposed development.

Jean Powlow, 2548 Five Oaks Road, Vienna, spoke in opposition to the proposal. She said her property was located to the north of the subject property and noted the character of her neighborhood, which included significant open space, tree cover, wildlife, pedestrian paths, and access to recreation facilities. Ms. Powlow then indicated that her community opposed the subject application because the proposed density of the development was too high and was not consistent with the character of the surrounding community. She added that her community was zoned R-1 and the proposed development would not provide sufficient open space. Ms. Powlow also explained that the communities to the north and south had been rezoned at a higher density to preserve the residential character of the surrounding area, but noted that permitting such a density would negatively impact the existing communities that had been developed at a lower density. In addition, she indicated that her community had opposed previous efforts to redevelop the surrounding area at a higher density, noting that other sites had been developed by-right at a lower density with a character more consistent with her community. Ms. Powlow expressed concern regarding the following issues:

- The safety impact that the increased traffic generated the proposal would incur at the intersection of Sutton Road and Chain Bridge Road, which was subject to frequent pedestrian traffic;
- The noise impact of the proposed development in an area that was already subject to significant noise;
- The environmental impact of the amount of tree removal proposed for the site, which included numerous mature trees; and
- Approval of the subject application would set a precedent that could potentially lead to approving other developments along this portion of Chain Bridge Road at higher densities.

Chairman Murphy called for speakers from the audience.

Bhabani Das, 2719 Chain Bridge Road, Vienna, spoke in opposition to the proposal. He said his property would be subject to the greatest impact from the proposed development due to its proximity to the site. He then noted that his property was zoned R-1.

A discussion ensued between Chairman Murphy and Mr. Das, with input from Ms. Wright, regarding the existing density of Mr. Das' property and the recommendations for his property in the Comprehensive Plan wherein Mr. Das reiterated that his property was currently zoned R-1, but Ms. Wright indicated that his property was planned for a recommended density of three to four dwelling units per acre.

Continuing his testimony, Mr. Das stated that he favored redeveloping the subject property at a lower density that was consistent with the R-1 development at his property. He echoed concerns from previous speakers regarding traffic, parking, and safety hazards for pedestrians in the surrounding area. He also expressed concern about the design of the proposed noise barrier on

the subject property, pointing out that it would be located near the driveway on his property. In addition, Mr. Das indicated that the proposed design of the dwelling units was not compatible with the surrounding community. He also expressed concern about the proposal's impact on stormwater runoff, noting that his property was located at a lower grade than the subject property and was already subject to significant runoff.

In response to questions from Commissioner Migliaccio, Mr. Das stated that the access to the driveway on his property was located on Chain Bridge Road. He then explained that he did not object to residential development on the subject property, but favored a development at a lower density with fewer dwelling units.

Commissioner Flanagan asked about the size of the lots to the west of the subject property. Mr. Das said that these lots were approximately a half-acre in size. A discussion ensued between Commissioner Flanagan and Mr. Das, with input from Ms. Wright, regarding acreage of the subject property wherein Ms. Wright indicated that the size of the subject property was approximately 1.28 acres.

When Commissioner Flanagan asked about the current development permitted on the subject property, Ms. Wright stated that only one dwelling unit would be permitted under the existing R-1 zoning. A discussion ensued between Commissioner Flanagan and Ms. Wright regarding the number of dwelling units that would be permitted under the subject application, the possibility that the applicant could construct fewer units, and the number of units that would be constructed if the site were developed at the same density as Mr. Das' property. Ms. Wright indicated that staff had not evaluated an alternative development with fewer dwelling units, but noted that the applicant could amend the proposal.

Responding to questions from Commissioner Flanagan, Ms. Wright confirmed that the residential development located to the north and east of the property was at a higher density than the proposed development. She then stated that staff had concluded that the density of the proposed development was consistent with the surrounding community and the recommendations of the Comprehensive Plan.

Commissioner Flanagan said that he supported the proposed density for the subject property because it would provide a transitional buffer between the lower density development to the west and the higher density development to the east.

Commissioner Hart pointed out the difficulties of redeveloping sites similar to the subject property that were located on arterial roads, such as Chain Bridge Road. He then indicated that denial of certain redevelopment plans could lead to less favorable developments, such as non-residential uses that were less compatible with the surrounding community. He also stated that there were numerous non-residential uses permitted on the subject property because of its size.

Answering questions from Commissioner Hurley, Mr. Das pointed out the location of the driveway on his property. Ms. Wright then explained that staff would evaluate the location of the proposed noise barrier in relation to Mr. Das' driveway, and would review the design of the noise barrier to ensure that the noise barrier did not negatively impact Mr. Das' driveway.

Dan Bostwick, 9707 Hidden Valley Road, Vienna, spoke in opposition to the subject application. He said he resided in the community located to the south of the subject property. He then echoed remarks from previous speakers regarding the potential increase in safety hazards the proposal would incur due to increased traffic. Mr. Bostwick noted that the area was subject to significant traffic due to its proximity to the Vienna Metrorail Station and Oakton High School. He added that Sutton Road was also subject to frequent truck traffic because of the limited egress points in his community. In addition, he echoed remarks from Mr. Das regarding the stormwater management conditions around the site, noting that the area was already subject to significant stormwater runoff.

A discussion ensued between Chairman Murphy and Mr. Bostwick regarding the density of his community and its elevation compared to the subject property. Mr. Bostwick indicated that his community was at a lower elevation.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Adams, who noted the challenges of redeveloping the site because of its proximity to both low-density and high-density development. He then reiterated that the proposed development was consistent with the Comprehensive Plan recommendations for the site and the surrounding area. Mr. Adams pointed out that the average lot size of the developments to the east and south of the site was significantly larger than the proposed development. In addition, he addressed the safety concerns raised by speakers, explaining that the proposal would improve the condition of the surrounding area by installing sidewalks on Chain Bridge Road and Sutton Road. Mr. Adams also indicated that the proposal would improve the alignment of Sutton Road and Chain Bridge Road, which would subsequently improve the condition for pedestrians. He then stated that providing access to the site on Sutton Road would mitigate the traffic impact on Chain Bridge Road. Mr. Adams addressed concerns raised by speakers regarding stormwater management on the site, stating that the applicant would install an infiltration trench on the site that would sufficiently mitigate the stormwater runoff. He also said that the applicant would coordinate with staff to ensure that the proposed sound barrier was installed at an appropriate location that would not negatively impact the sight distances for residents of the neighboring property to the west.

Referring to Proffer Number 25, Tree Preservation Walk-Through, dated April 8, 2015, Commissioner Migliaccio asked how interested members of the community would be notified of the proposed walk-through meeting with a certified arborist. Mr. Adams said that the applicant would be responsible for informing the community, adding that the homeowners associations in surrounding communities would be notified as well. When Commissioner Migliaccio asked about the timeframe in which these notifications could be sent, Mr. Adams indicated that the applicant would distribute the notifications in a manner that would be sufficiently advanced to accommodate any interested parties. (A copy of the revised proffers is in the date file.)

Referring to Figure 6 on page 9 of the staff report, Commissioner Ulfelder asked about the orientation of the dwelling units. Mr. Adams stated that the dwelling units would face Chain Bridge Road. A discussion ensued between Commissioner Ulfelder and Mr. Adams regarding the way residents would access these units wherein Mr. Adams confirmed that the units would be accessed by vehicles from Sutton Road and that pedestrians could sufficiently access Chain Bridge Road from these units.

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 Hart for action on this case.

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Chairman Murphy: Public hearing is closed – Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I think we need a little more time to look at a couple issues based on the testimony this evening and some of the questions. And therefore – let me thank, also, the speakers for coming out and also to staff for getting me up to speed so quickly. I think with a little more time, we can sort out some of these details. I THEREFORE MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ 2014-PR-018 TO A DATE CERTAIN OF APRIL 22, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioners Flanagan and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder and Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to defer decision RZ 2014-PR-018 to a date certain of April 22nd, with the record remaining open for comment, say aye.

Commissioners: Aye.

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

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(The motion carried by a vote of 7-0. Commissioners Lawrence, Litzenberger, Sargeant, and Strandlie were absent from the meeting. Commissioner de la Fe was not present for the vote.)

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CLOSING

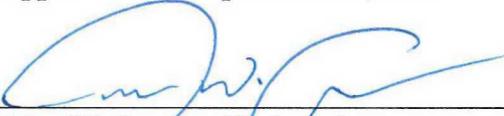
April 16, 2015

The meeting was adjourned at 11:43 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 W. Cooper, Clerk to the
Fairfax County Planning Commission