

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, APRIL 30, 2015**

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

ABSENT: Kenneth A. Lawrence, Providence District
Timothy J. Sargeant, Commissioner At-Large

//

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

//

COMMISSION MATTERS

Commissioner Migliaccio announced that the Planning Commission's Policy and Procedures Committee would meet on Wednesday May 6, 2015 and Thursday May 7, 2015 at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to discuss Fairfax Forward. He said this meeting was open to the public.

//

Chairman Murphy announced that the Planning Commission Office had hired Teresa Wang as its new Deputy Clerk. He said that Ms. Wang had previously worked for the Director of Fairfax County Vehicle Services and had served as a Deputy Clerk for the Board of Zoning Appeals from 1995 to 1997. He then stated that she would occupy the position previously held by Jacob Caporaletti, who had been promoted to Deputy Clerk to the Planning Commission.

//

Commissioner Hart MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON RZ 2014-PR-018, THE EVERGREEN COMPANIES, LLC, TO A DATE CERTAIN OF MAY 20, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioners Migliaccio and Ulfelder seconded the motion, which carried by a vote of 10-0. Commissioners Lawrence and Sargeant were absent from the meeting.

//

Chairman Murphy MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR RZ 2014-SP-015 AND SE 2014-SP-060, SUNRISE DEVELOPMENT, INC., TO A DATE CERTAIN OF MAY 13, 2015.

Commissioner Hart seconded the motion, which carried by a vote of 10-0. Commissioners Lawrence and Sargeant were absent from the meeting.

//

ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. SE 2014-SU-070 – SUNBEAM FAMILY CHILD CARE/GRICELDA FLORES
2. PA 2014-IV-MV1 – 4201 AND 4203 BUCKMAN ROAD (Lee District)
3. PA 2013-CW-4CP – CONSERVATION AREAS AND COMMUNITY NEIGHBORHOOD IMPROVEMENT AREAS (Countywide)

This order was accepted without objection.

//

SE 2014-SU-070 – SUNBEAM FAMILY CHILD CARE/GRICELDA FLORES – Appl. under Sects. 6-105, 6-106, and 8-305 of the Zoning Ordinance to permit home child care facility. Located at 5815 Stream Pond Ct., Centreville, 20120, on approx. 1,606 sq. ft. of land zoned PDH-4. Tax Map 54-3 ((23)) (15) 22. SULLY DISTRICT. PUBLIC HEARING.

Gricelda Flores, Applicant/Title Owner, reaffirmed the affidavit dated February 18, 2015.

There were no disclosures by Commission members.

Commissioner Litzenberger asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Litzenberger for action on this case.

//

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

Commissioner Litzenberger: Thank you, Mr. Chairman. Miss, could you come up and – I request that you confirm, for the record, agreement to the proposed development conditions dated April 30th, 2015.

Gricelda Flores, Applicant/Title Owner: Yes.

Commissioner Litzenberger: Thank you. You may sit down. I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISOR – APPROVE SE 2014-SU-070, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED APRIL 30TH, 2015.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-SU-070, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: Thank you, Mr. Chairman. Thank you staff.

Chairman Murphy: Thank you. Thank you. Good luck.

//

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

//

PA 2013-CW-4CP – CONSERVATION AREAS AND
COMMUNITY NEIGHBORHOOD IMPROVEMENT AREAS –
To consider proposed revisions to the Comprehensive Plan for
Fairfax County, VA, in accordance with the *Code of Virginia*, Title
15.2, Chapter 22. This Amendment proposes to remove references
to expired Conservation Areas and completed Community
Improvement Areas that from the Comprehensive Plan.
COUNTYWIDE. PUBLIC HEARING.

Aaron Klibaner, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended adoption of Comprehensive Plan Amendment PA 2013-CW-4CP.

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

Queenie Cox, 8100 Fordson Road, Alexandria, representing the New Gum Springs Civic Association (NGSCA), requested that the Planning Commission defer the decision only for the proposed Amendment to provide sufficient time for the Gum Springs Community to review the language in the Gum Springs Conservation Plan before it was removed from the Comprehensive Plan. She indicated that portions of the Gum Springs Conservation Plan had not been completed. Referring to her statement, which had been distributed to the Commission prior to the public hearing, Ms. Cox explained that the Gum Springs Community still had outstanding concerns regarding transportation and pedestrian safety. She then stated that the community had been subject to impacts from the implementation of the Gum Springs Conservation Plan, pointing out that the impact of improvements along Richmond Highway had significantly impacted the layout of the community. She added that efforts by the Fairfax County Department of Transportation and the Virginia Department of Transportation had not been sufficient in installing appropriate markings for roads and crosswalks. (A copy of Ms. Cox's statement is in the date file.)

Commissioner Flanagan explained that whenever a Special Exception or Rezoning application was submitted for review, the Planning Commission referenced the Comprehensive Plan in rendering an appropriate decision. He then said that the language in the Comprehensive Plan had referenced the Gum Springs Conservation Plan for the past 35 years. He indicated that if the Gum Springs Conservation Plan were removed, then the Commission would still render its decision based on the recommendations articulated in the Comprehensive Plan. Commissioner Flanagan asked staff whether the Gum Springs Conservation Plan had been modified since it was incorporated into the Comprehensive Plan 35 years ago. Mr. Klibaner confirmed that this conservation plan had been subject to minor modifications. When Commissioner Flanagan asked whether staff had coordinated with the Gum Springs Community regarding the Gum Springs Conservation Plan, Mr. Klibaner indicated that there had been no meetings between staff and the community regarding the proposed Plan Amendment or the existing conservation plan, but noted that the community had been sent notifications regarding this Amendment. Commissioner Flanagan stated that when the Gum Springs Conservation Plan had been in operation, it required staff to coordinate with the Gum Springs Community prior to approval of an application. He then expressed concern about the Gum Springs Community being sufficiently informed of the proposed Amendment and when he asked whether these issues could be addressed during a deferral period, Mr. Klibaner indicated that staff would coordinate with the community within this timeframe.

Commissioner Hedetniemi added that she would also coordinate with staff and the Gum Springs Community during the deferral period.

There being no more speakers for this application, Chairman Murphy called for concluding remarks from Mr. Klibaner, who declined.

Meghan Van Dam, PD, DPZ, explained that the proposed Plan Amendment would not modify the Gum Springs Conservation Plan, stating that such modifications could only be implemented by the Gum Springs Community. She then said that the scope of the proposed Amendment was

limited to removing references to expired conservation areas within the Comprehensive Plan, noting that the previous conservation plan for the Gum Springs Community had expired in 2004.

Commissioner Flanagan pointed out that there had been a similar situation in the Huntington area regarding an expired conservation plan where a development was planned, which led to a reactivation of the conservation plan to provide the community with sufficient input. He then stated that he supported efforts to preserve the Gum Springs Community, noting its historical significance to the area.

Commissioner Migliaccio asked whether staff had met with Ms. Cox or the Gum Springs Community prior to the public hearing. Ms. Van Dam stated that staff had not met with Ms. Cox or the Gum Springs Community regarding the proposed Amendment, but reiterated that the NGSCA had been sent certified notifications regarding this Amendment.

In reply to questions from Commissioner Hart, Ms. Van Dam stated that the Gum Springs Community could craft a new conservation plan that would incorporate or improve upon the features in the expired plan, but noted that staff had not been informed that such a plan was being developed. She also indicated that certain features in a new conservation plan for the Gum Springs Community might require modifications to the Comprehensive Plan. Ms. Van Dam then explained that staff would be required to coordinate with the Fairfax County Redevelopment and Housing Authority to reactivate a conservation area, which could require another Comprehensive Plan Amendment.

Commissioner Hedetniemi stated that due to the concerns raised by the Gum Springs Community, she intended to defer the decision only at the conclusion of the public hearing to provide sufficient time for staff to address these concerns.

Referring to Ms. Cox's statement, Commissioner de la Fe said that the Board of Supervisors approved a request by the Gum Springs Community to reactivate its conservation plan in 2008. However, he indicated that adoption of this plan had been delayed and asked staff to provide an update on the status of this plan. Mr. Klibaner concurred that staff and the Fairfax County Department of Housing and Community Development had coordinated with the Gum Springs Community to reactivate its conservation plan, but noted that communication with the community had ceased and efforts to re-establish communication on this issue had not been successful.

Replying to questions from Commissioner Ulfelder, Ms. Van Dam explained that not removing references to expired conservation plans from the Comprehensive Plan would have a minimal impact, but noted that retaining these plans would present the inaccurate notion that they were still active. She also stated that applicants whose properties were located within a conservation area would be subject to the provisions prescribed for such areas in the Policy Plan. In addition, she indicated that staff had concluded that the Policy Plan and the Comprehensive Plan contained sufficient provisions to address the issues articulated in conservation plans.

Commissioner Ulfelder said that he did not object to staff's conclusions regarding the effectiveness of the Policy Plan and the Comprehensive Plan in addressing conservation issues,

but noted that there were still outstanding concerns with the Gum Springs Community because of ongoing efforts to craft a new conservation plan to address the issues raised by Ms. Cox. When he asked if other communities had raised similar concerns, Ms. Van Dam indicated that no other communities had raised such concerns, adding that staff had coordinated with the appropriate Board of Supervisors District Offices in informing the necessary organizations of the proposed Amendment. A discussion ensued between Commissioner Ulfelder and Mr. Klibaner regarding the methods communities utilized to address conservation needs, the extent to which conservation plans had been revised over the years, and the need for certain areas to retain references to a conservation plan wherein Mr. Klibaner indicated that the Capital Improvement Plan process had been utilized to address these needs by improving public infrastructure and the County had implemented other methods of addressing conservation issues, such as petitions, bond referendums, and proffered commitments from applicants.

When Commissioner Ulfelder stated that modifications to the Comprehensive Plan and the Policy Plan had rendered certain conservation plans unnecessary, Mr. Klibaner concurred and added that these modifications provided methods for achieving the goals of conservation plans, such as preserving affordable housing and protecting the character of existing neighborhoods.

Commissioner Flanagan concurred with Commissioner Ulfelder's remarks regarding the alternate means by which the goals in conservation plans were achieved. When he asked if staff had received any communication from the Gum Springs Community stating that efforts for the new conservation plan had ceased, Mr. Klibaner indicated that staff had received no such information. Commissioner Flanagan then expressed concern that the Gum Springs Community was not sufficiently informed on the status of this conservation plan.

A discussion ensued between Commissioner Flanagan and Mr. Klibaner regarding the efforts to install the infrastructure improvements that Ms. Cox indicated had not been implemented in the Gum Springs Community and the extent to which the community had been informed of modifications to the Comprehensive Plan. Mr. Klibaner explained that certain infrastructure improvements in the Gum Springs Community had not been articulated in its conservation plan and noted that other necessary improvements could be implemented through other means.

When Commissioner Flanagan asked whether the Gum Springs Community would be informed of alternative methods to address concerns regarding infrastructure improvements, Mr. Klibaner indicated that staff would educate the community of these methods during the deferral period. Commissioner Flanagan added the community might not pursue a conservation plan if these alternative methods were utilized, but reiterated his previous concerns regarding efforts to ensure that the community was sufficiently informed. Chairman Murphy then expressed concern whether efforts to address these concerns were within the scope of the proposed Amendment. Ms. Van Dam then clarified that the scope of the proposed Amendment was restricted to removing references to the expired conservation plan for the Gum Springs Community and any modifications to this plan or a new conservation plan required a separate effort.

Commissioner Hart expressed concern that removing references to expired conservation plan would interfere with the efforts by the Gum Springs Community to adopt a new plan. He then asked whether efforts to address the process of pursuing a new conservation plan for the Gum

Springs Community was within the scope of the proposed Amendment. Ms. Van Dam said that staff would consult with the County Attorney to address this issue and whether it was within the scope of the Amendment.

Commissioner Hart indicated that he favored adoption of the proposed Amendment to remove references to expired conservation plans.

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

//

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

Commissioner Hedetniemi: Thank you, Mr. Chairman. I thought I understood this when I started the evening out, but obviously there are more twists and turns that need to be addressed. Accordingly, I MOVE TO DEFER A DECISION ON THIS UNTIL MAY 6 – next Wednesday – and hope that between now and then, we'll be able to meet with the community, address any of the nuances that have been raised around the table today, and – so that's my motion.

Chairman Murphy: Is there a-

Commissioner Hedetniemi: WITH THE RECORD REMAINING OPEN.

Commissioner Flanagan: Second.

Chairman Murphy: Is that – hold on – is that – just a question – is that going to be enough time, you think, to do this community meeting and what not?

Commissioner Flanagan: Two weeks would probably be better.

Chairman Murphy: Feel free.

Meghan Van Dam, Planning Division, Department of Planning and Zoning: My sense is that it wouldn't be enough time to – to complete the re-planning of the conservation area plan. However, as far as whether or not you would want to support or – how you would want to treat the staff recommendation, it perhaps could better inform that or realize them.

Chairman Murphy: Okay. Is there a second to the motion?

Commissioner Hedetniemi: We can-

Chairman Murphy: Oh Ms. Hedetniemi, go ahead.

Commissioner Hedetniemi: WE CAN DO IT ON MAY 13TH.

Chairman Murphy: All right. Want to change that?

Commissioner Hedetniemi: It gives us-

Chairman Murphy: We'll amend the motion to May 13th.

Commissioner Flanagan: Second.

Commissioner Migliaccio: With the record remaining open.

Chairman Murphy: Okay.

Commissioner Hedetniemi: WITH THE RECORD REMAINING OPEN.

Chairman Murphy: Is there a second to that motion?

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion? Mr. Ulfelder.

Commissioner Ulfelder: I thought that what Commissioner Hart was suggesting is that the key question for us to move forward with this Amendment is to determine whether leaving in Gum Springs, for example, and not changing it would be a more – would give us a better position to move forward with the community on some form of community – new community plan versus taking it out, along with the others, and not – because it really won't make any difference as to whether you can move forward easily or not with a – with something for Gum Springs particularly. I thought that was what you were driving at and that that was what we needed in order to make a decision on the overall Amendment. But we can't – we can't make a decision, I think, even in two weeks if – or about the broader issues about what the community thinks they need. It's about what, legally, makes the best – most sense in terms of trying to preserve the opportunity for a new conservation plan for that community.

Chairman Murphy: Mr. Migliaccio.

Commissioner Migliaccio: I thought what Mr. Hart was talking about, to your point, and what Mr. Flanagan was talking about for the deferral periods was to have the community meeting with staff to see if the conservation plan needs to be even redone – reactivated. And that's the only thing. We're not trying to re-write it. We're not trying to determine anything else. It's just to determine if the conservation plan needs to be reactivated, as it was authorized in 2008 or 2010. And if not – if staff can talk to the Gum Springs Community that – everything that they want in the conservation plan is now found elsewhere in the plan – we can move forward. So – and that's how I see it.

Commissioner Ulfelder: That's another way-

Chairman Murphy: Mr. Ulfelder.

Commissioner Ulfelder: I would agree with you that that's another way of coming at the same issue, but to try to put us in a position to make the decision about whether to clean up the Comprehensive Plan for all of these outdated, outmoded, inactive plans. And so I – you know, that – that's fine. I mean I guess we can do that – if we can see what we can do in two weeks' time and make a decision at that point.

Chairman Murphy: Right. Is there a second to that motion?

Commissioner Flanagan: Second.

Chairman Murphy: Mr. Flanagan seconded. Discussion? All those in favor of the motion to defer decision only on PA 2013-CW-4CP to a date certain of May 13th, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. Thank you, Ms. Cox, for coming out.

//

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

//

PA 2014-IV-MV1 – 4201 AND 4203 BUCKMAN ROAD – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. This Amendment concerns approx. 0.80 ac. located at 4201 and 4203 Buckman Road (Tax Map Reference 101-3 ((1)) 15A and 101-3 ((1)) 15B). 4201 Buckman Road is planned for single-family detached residential use at 2-3 dwelling units per acre. 4203 Buckman Road is planned for the existing development and uses; if redeveloped, the appropriate residential density is 2-3 dwelling units per acre. The amendment will consider single-family attached residential use and consolidation of the parcels. Recommendations relating to the transportation network may also be modified. LEE DISTRICT. PUBLIC HEARING.

Commissioner Migliaccio announced his intent to the defer the decision only at the conclusion of the public hearing to give the Lee District Land Use Committee sufficient time to make a recommendation on the proposed Amendment.

Jennifer Garcia, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended adoption of Comprehensive Plan Amendment PA 2014-IV-MV1.

Referring to the three scenarios listed on pages 5 through 7 of the staff report, Commissioner Migliaccio asked staff to clarify which scenario was favored. Ms. Garcia indicated that staff favored Scenario 3. Commissioner Migliaccio then pointed out that chart for Scenario 3, as shown on Pages 6 and 7 of the staff report, indicated that this scenario would incur fewer trips than the existing use of the subject property. He added that Scenario 3 would add only one additional student to the school system. In addition, Commissioner Migliaccio said that this scenario would encourage high-quality residential development on the site, noting that the existing developments on the property had become blighted.

Answering questions from Commissioner Hart, Ms. Garcia said that there were no other pending Out-of-Turn Plan Amendments for the surrounding properties. She also confirmed that Parcel D, which was located east of the subject property, was utilized as open space for a nearby townhouse development.

Chairman Murphy called the first listed speaker.

Jeff Sunderland, 2200 Clarendon Boulevard, Suite 1300, Arlington, representing Walsh, Colucci, Lubeley & Walsh, PC, spoke in support of the proposed Amendment. He provided a brief history of the subject property, stating that Parcel 15B contained two existing structures. He explained that these structures had been constructed years ago as a farm house, but were subsequently utilized as multi-family rental units. He then said that the owners of this property had been informed in 1993 that this use was not in conformance with the Zoning Ordinance and the property was subsequently rezoned to R-12 (Residential District, Twelve Dwelling Units/Acre), a district that permitted the use. Mr. Sunderland pointed out that the Comprehensive Plan had been amended to allow this use to continue and revert to an R-3 (Residential District, Three Dwelling Units/Acre) zoning if it were redeveloped. He stated that he represented an applicant that had submitted a proposal in the Fall of 2014 to redevelop the property with five townhomes and indicated that this proposal would be presented to the Planning Commission at a later date. Mr. Sunderland described the blighted state of the structures on the property. He added that the applicant he represented had coordinated with residents of the surrounding community and indicated that the community supported redeveloping this site.

There being no more speakers, Chairman Murphy called for closing remarks from Ms. Garcia, who declined.

When Commissioner Migliaccio asked staff whether deferring the decision only for the proposed Amendment to May 6, 2015 would provide sufficient time, Ms. Garcia indicated that she did not object to deferring the decision to that date.

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

//

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

Commissioner Migliaccio: Thank you, Mr. Chairman. As I mentioned earlier, I'm going to defer decision on this. It's coming to the Lee District Land Use Committee on Monday night and after that, I'll be making a decision that Wednesday here at the Planning Commission. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ON PLAN AMENDMENT 2014-IV-MV1 TO MAY 6, 2015, WITH THE RECORD REMAINING OPEN.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to defer decision on PA 2014-IV-MV1 to a date certain of May 6, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman.

Chairman Murphy: Thank you.

//

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

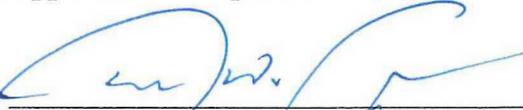
//

The meeting was adjourned at 9:14 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