

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JUNE 12, 2014**

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

ABSENT: John L. Litzenberger, Jr., Sully District

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

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COMMISSION MATTERS

Commissioner Lawrence announced that the Planning Commission's Tysons Corner Committee had met earlier this evening to continue discussion of the draft materials for the first amendment to the Tysons Corner Comprehensive Plan. He said that the committee would meet again on Wednesday, June 25, 2014, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center and welcomed the public to attend.

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Commissioner Sargeant stated that the Planning Commission's Residential Studios Unit (RSU) Committee met on Monday, June 9, 2014, and it voted unanimously to recommend that the Committee report back to the Commission with a recommendation to adjourn the Committee and the ongoing review of the proposed Zoning Ordinance Amendment regarding RSUs. IN addition, he said that the Committee voted unanimously to direct staff to prepare a report that would be distributed to the Commission and the Board of Supervisors that provide a summary of the public reach efforts and the issues raised by the community and Commission. Commissioner Sargeant indicated that this report would be finalized in July 2014.

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On behalf of the Planning Commission, Chairman Murphy welcomed members of Boy Scout Troop 673 from Great Falls, who were attending the meeting.

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FSA-L10-44-1 – SPRINT, 6500 Byron Avenue

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION FIND THAT FSA-L10-44-1, LOCATED AT 6500 BYRON AVENUE IS A “FEATURE SHOWN,” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Sargeant seconded the motion which carried by a vote of 11-0. Commissioner Litzenberger was absent from the meeting.

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FS-H14-13 – DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, 12530 Sunrise Valley Drive

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE PROPOSED HERNDON TRANSIT STATION, LOCATED ADJACENT TO THE EXISTING GARAGE AT 12530 SUNRISE VALLEY DRIVE, BE FOUND IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN,” PURSUANT TO *VIRGINIA CODE* 15.2-2232, AS AMENDED.

Commissioner Lawrence seconded the motion which carried by a vote of 11-0. Commissioner Litzenberger was absent from the meeting.

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PA 2013-CW-3CP – COMPREHENSIVE PLAN AMENDMENT (THE GREEN BUILDING POLICY PLAN AMENDMENT) (Decision Only)

(The public hearing on this application was held on May 7, 2014. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PA 2013-CW-3CP, AS SHOWN ON PAGES 8 THROUGH 11 OF THE STAFF REPORT DATED APRIL 23, 2014.

Commissioners Hall, Hedetniemi, and Lawrence seconded the motion which carried by a vote of 11-0. Commissioner Litzenberger was absent from the meeting.

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. SE 2014-SP-007 – FAIRFAX COMPANY OF VIRGNIA, LLC
2. FDPA 84-P-007-04 – RUSSELL WOLFE
3. RZ/FDP 2013-HM-016 – SEKAS HOMES, LTD.
4. PCA/FDPA 2012-MV-007 – CRP BELVOIR, LLC

This order was accepted without objection.

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The first two public hearings were in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman de la Fe.

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SE 2014-SP-007 – FAIRFAX COMPANY OF VIRGNIA, LLC –
Appl. under Sect. 9-620 of the Zoning Ordinance to permit a waiver of certain sign regulations. Located at 11750 Fair Oaks Mall, Fairfax, 22033, on approx. 109.56 ac. of land zoned C-7 and HC. Tax Map 46-3 ((8)) 1C, 1A, 1D, 2, 4A, 5, 6, 6A, 7, 10, 11, and 13; 46-4 ((9)) 8, 18B1 pt.; 56-1 ((12)) 9 and 14. SPRINGFIELD DISTRICT. PUBLIC HEARING

Brian Winterhalter, Attorney/Agent for the Applicant, Cooley LLP, reaffirmed the affidavit dated April 30, 2014.

There were no disclosures by Commission members.

Commissioner Murphy asked that Vice Chairman de la Fe 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, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Murphy for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-SP-007, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 10, 2014.

Commissioner Hall seconded the motion which carried by a vote of 11-0. Commissioner Litzenberger was absent from the meeting.

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FDPA 84-P-007-04 – RUSSELL WOLFE – Appl. to amend the final development plans for RZ 84-P-007 to permit site modifications and associated changes to development conditions. Located at 4139 Halsted St., Fairfax, 22033, on approx. 1,405 sq. ft. of land zoned PDC and WS. Tax Map 46-3 ((26)) 57.
SPRINGFIELD DISTRICT. PUBLIC HEARING

Russell Wolfe, Title Owner, reaffirmed the affidavit dated December 13, 2013.

There were no disclosures by Commission members.

Commissioner Murphy asked that Vice Chairman de la Fe 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, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Murphy for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 84-P-007-04, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED APPENDIX 1 OF THE STAFF REPORT DATED MAY 28, 2014.

Commissioners Hall and Hedetniemi seconded the motion which carried by a vote of 11-0. Commissioner Litzenberger was absent from the meeting.

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At the conclusion of the case, Chairman Murphy resumed the Chair.

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PCA/FDPA 2012-MV-007 – CRP BELVOIR, LLC – Appls. to amend the proffers, conceptual, and final development plans for RZ 2012-MV-007, previously approved for mixed-use development, to permit associated modifications to proffers and site design with a total density of 46.7 du/ac, including ADUs and bonus density and a waiver # 5294-WPFM-002-1 to permit the location of underground stormwater management facilities in a residential area. Located in the N.W. quadrant of the intersection of Richmond Hwy. and Backlick Rd. on approx. 6.06 ac. of land zoned PRM. Comp. Plan Rec: Option For Mixed Use 30-40 du/ac. Tax Map 109-1 ((1)) 5-9 and 13-16 and a portion of public right-of-way for Anderson Lane to be vacated and/or abandoned.
MOUNT VERNON DISTRICT. PUBLIC HEARING

Gregory Riegle, Attorney/Agent for the Applicant, McGuireWoods, LLP, reaffirmed the affidavit dated May 9, 2014. Mr. Riegle also stated for the record that the applicant had committed to recycle the materials related to the demolition of existing structures on the subject property to the greatest extent possible.

There were no disclosures by Commission members.

Commissioner Flanagan asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Flanagan for action on these cases. (A verbatim excerpt is in the date file.)

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 2012-MV-007 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN AMENDMENT, SUBJECT TO THE EXECUTION OF PROFFERS DATED MAY 16, 2014.

Commissioners Hall and Sargeant seconded the motion which carried by a vote of 11-0. Commissioner Litzenberger was absent from the meeting.

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 2012-MV-007, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 29, 2014, AND THE BOARD'S APPROVAL OF PCA 2012-MV-007 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN AMENDMENTS.

Commissioner Sargeant seconded the motion which carried by a vote of 11-0. Commissioner Litzenberger was absent from the meeting.

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSIONER RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING WAIVERS AND MODIFICATIONS:

- A WAIVER, #5224-WPFM-002-1, OF SECTION 6-0303.8 OF THE PUBLIC FACILITIES MANUAL TO LOCATE UNDERGROUND STORMWATER DETENTION FACILITIES IN A RESIDENTIAL AREA, SUBJECT TO THE CONDITIONS CONTAINED IN ATTACHMENT A OF APPENDIX 9 OF THE STAFF REPORT;
- A MODIFICATION OF SECTION 13-303 OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE EASTERN BOUNDARY, SUBJECT TO THE LANDSCAPING SHOWN ON THE CDPA/FDPA;

- A WAIVER OF SECTION 13-304 OF THE ZONING ORDINANCE FOR THE BARRIER REQUIREMENT ALONG THE EASTERN BOUNDARY AND MODIFICATION OF THE BARRIER LOCATION ALONG THE NORTHERN BOUNDARY, AS SHOWN ON THE CDPA/FDPA;
- A MODIFICATION OF THE 75 PERCENT TREE CANOPY REQUIREMENT AND THE LARGE AND MEDIUM TREE REQUIREMENT, PURSUANT TO SECTION 13-303.3.A(1) OF THE ZONING ORDINANCE TO ALLOW UNDERSTORY TREES IN A PORTION OF THE BUFFER ALONG ANDERSON LANE DUE TO A POTENTIAL OVERHEAD UTILITY EASEMENT, AS SHOWN ON THE CDPA/FDPA; AND
- A MODIFICATION OF SECTION 11-203 OF THE ZONING ORDINANCE TO PERMIT THREE LOADING SPACES INSTEAD OF THE REQUIRED FIVE SPACES.

Commissioner Sargeant seconded the motion which carried by a vote of 11-0. Commissioner Litzenberger was absent from the meeting.

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RZ 2013-HM-016 – SEKAS HOMES, LTD. – Appl. to rezone from R-1 to R-2 to permit residential development with an overall density of 1.71 du/ac. Located on the W. side of Lawyers Rd. opposite of the intersection with Myterra Way on approx. 5.26 ac. of land. Comp. Plan Rec: 1-2 du/ac. Tax Map 25-4 ((1)) 17.
HUNTER MILL DISTRICT. PUBLIC HEARING

Kelly Atkinson, Attorney/Agent for the Applicant, Land Design Consultants, Inc., reaffirmed the affidavit dated April 29, 2014.

There were no disclosures by Commission members.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended deferral of the decision only for application RZ 2013-HM-016 to provide more time for the applicant to finalize the stormwater management provisions.

Referring to Proffer Number 15C, which pertained to the modification of backyard decks, Commissioner Hart expressed concern that issues might arise for residents of certain dwelling units in the proposed development for residents seeking certain modifications of backyard decks. He described certain modifications for backyard decks, such as the installation of lattice, which would change its status under the Zoning Ordinance from a deck to an addition, noting that such modifications required additional permits. Commissioner Hard suggested that additional language be included in Proffer Number 15C to ensure that homeowners would not be required to seek permission for minor modifications to backyard decks. Mr. O'Donnell did not object to this modification.

Referring to Proffer Number 7A, which pertained to the applicant's contribution to the Fairfax County Park Authority (FCPA), Commissioner Migliaccio expressed concern that making the contribution contingent on the bond release would substantially delay this contribution. Mr. O'Donnell concurred and supported modifying the proffer to make the contribution contingent on the approval of the first Residential Use Permit (RUP). Chairman Murphy requested that the applicant state for the record that they do not object to this modification.

Ms. Atkinson indicated that the applicant had coordinated with staff, the Hunter Mill Land Use Committee, Hunter Mill District Supervisor Catherine Hudgins, and the surrounding community to address their concerns regarding the subject application. She said that the Comprehensive Plan recommended that the subject property be developed at a density of one to two dwelling units per acre and the proposed density of the subject application of 1.71 dwelling units per acre was consistent with these guidelines. She also stated that the subject property did not contain any environmentally sensitive features. Ms. Atkinson pointed out that the proposed development would be compatible with the surrounding residential development, noting that the average lot area exceeded the minimum requirements and were consistent with the sizes of the adjacent lots. She indicated that each lot within the proposed development would be served by an additional public road that would terminate into a cul-de-sac, noting that a Secondary Street Acceptance Requirement waiver had been obtained from the Virginia Department of Transportation (VDOT). She then said that this public street would be aligned with curb, gutter, and sidewalk, adding that it would also connect to a trail along Lawyers Road, which the applicant would rebuild to improve its current condition. Ms. Atkinson stated that the applicant had hired an arborist to complete an existing vegetation map and a tree preservation plan, noting that approximately 30 percent of the property was covered with existing tree canopy. She added that the applicant would meet the necessary requirements for tree preservation and additional plantings, noting that the applicant had coordinated with the neighboring properties on this issue. Ms. Atkinson pointed out that the applicant had graded the site to establish the limits of clearing and grading, and to reduce the extent and rate of stormwater runoff to the northeast. She indicated that the applicant intended to meet the necessary stormwater management requirements by installing an infiltration trench. She also pointed out that the applicant had initially submitted a waiver to accommodate certain components of this trench, but decided to withdraw this waiver after discussions with staff. Ms. Atkinson explained that the proposed infiltration trench would capture stormwater runoff on the proposed development and would reduce the amount of stormwater runoff on the subject property by approximately 60 percent and remove phosphorous by approximately 40 percent. In addition, she noted that the proposal would be grandfathered into the current regulations for stormwater management, saying that the applicant had obtained a permit from the State of Virginia and intended to submit a plan prior to September 1, 2014. Ms. Atkinson expressed support for the proposed revision to Proffer Number 7A to make the applicant's contributions to the FCPA contingent on the approval of the first RUP.

Referring to Figures 8 and 9 in the staff report, Commissioner Ulfelder pointed out the swale on the subject property was located in close proximity to the tree preservation area. He then asked the applicant to provide a more detailed description of the swale and how it would accommodate the tree preservation areas. Ms. Atkinson stated that the applicant would install a stormwater inlet between Lots 2 and 3 on the site and indicated that the swales would capture the stormwater runoff and direct it to an underground stormwater management facility.

When Commissioner Ulfelder asked about the stormwater management features on the lots, John Sekas, Applicant/Agent for Title Owner, described how stormwater runoff currently flowed on the subject property and indicated that the proposed stormwater management provisions would not disturb the roots of the trees in the tree preservation area. A discussion ensued between Commissioner Ulfelder and Mr. Sekas regarding the residents of the proposed dwelling units being aware of these stormwater management features to ensure that their function was not obstructed.

Answering questions from Commissioner Lawrence, Mr. Sekas stated that the façade of the proposed dwelling units would consist primarily of masonry and siding, adding that this design would be incorporated into all sides of the dwelling unit. He also confirmed that the visibility of these dwelling units from vehicles traveling along Lawyers Road would be consistent, noting that the applicant would install a fence and a berm that would screen the units.

When Commissioner Ulfelder asked what the annual cost would be for maintaining the proposed stormwater management facility, Mr. Sekas said that the system would cost approximately \$1,000 per year per home, adding that this amount could be reduced after five years. Mr. O'Donnell added that a yearly inspection would be conducted for the proposed infiltration trench and the cost of such an inspection could range between \$1,000 and \$3,000. Mr. Sekas indicated that the cost of this inspection could be lower. Commissioner Ulfelder suggested that the purchaser of the proposed dwelling units should be informed of these costs and Mr. Sekas concurred, adding that the maintenance for this facility would be minimal.

Commissioner Hurley suggested that Proffer Number 12, which required the dwelling units to be pre-wired with broadband, high capacity data/network connections in multiple rooms, be removed because it was not necessary due to the growing prevalence of wireless internet. Mr. O'Donnell stated that he did not object to this modification.

When Chairman Murphy asked whether the design of the cul-de-sac had been evaluated by the Fire Marshal to ensure that emergency vehicles could safely access the site, Ms. Atkinson indicated that this cul-de-sac was consistent with VDOT standards. She then said that the Fire Marshal had reviewed the design and had not expressed any concerns.

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 de la Fe for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ 2013-HM-016 TO A DATE CERTAIN OF WEDNESDAY, JUNE 25, 2014, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioners Hall and Hart seconded the motion which carried by a vote of 11-0.
Commissioner Litzenberger was absent from the meeting.

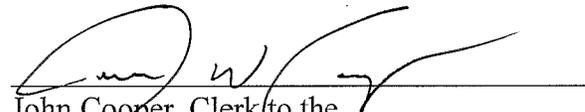
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The meeting was adjourned at 9:01 p.m.
Peter F. Murphy, Chairman
Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jacob Caporaletti

Approved on: November 20, 2014



John Cooper, Clerk to the
Fairfax County Planning Commission