

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JULY 15, 2015**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
Julie 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
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Kenneth A. Lawrence, Providence 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

FSA-S06-10-1 – FAIRFAX COUNTY PARK AUTHORITY (South Run Park), 7550
Reservation Drive

Chairman Murphy: FSA-S06-10-1 is a “feature shown” filed by the Fairfax County Park Authority regarding South Run Park and amenities that have been reflected for many years on the – on the Park Authority’s Master Plan. It’s in conformance with the county’s Master Plan to add some active recreation facilities and some amenities to the park. And I CONCUR WITH THE “FEATURE SHOWN” DETERMINATION SO, THEREFORE, I MOVE THAT THE PLANNING COMMISSION APPROVE FSA-S06-10-1.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

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FSA-S15-23-3 – VERIZON WIRELESS, 4050 Legato Road

Chairman Murphy: In the Springfield District, there is a “feature shown” filed by Verizon Wireless for replacement and new antennas on – on a building at 4050 Legato Road. I CONCUR WITH THE STAFF’S DETERMINATION THAT THIS IS A “FEATURE SHOWN” AND SUBJECT TO THE CONDITIONS IN THE COMPREHENSIVE PLAN; THEREFORE, I MOVE THAT THE PLANNING COMMISSION APPROVE FSA-S15-23-3.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

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FS-D14-53 – BC CONSULTANTS FOR THE FALLS CHURCH CITY SCHOOL BOARD & THE CITY OF FALLS CHURCH (Decision Only) (The public hearing on this application was held on June 24, 2015.)

(Start Verbatim Transcript)

Commissioner Ulfelder: Thank you, Mr. Chairman. We had a hearing on June 24th on “feature shown” 2232 matter involving Mount Daniel Elementary School, which is owned and operated by the City of Falls Church and Falls Church city public schools, but it happens to be located in Fairfax County. The applicants in this case have requested that we further defer decision on this application for – until a period sometime in September. Therefore, Mr. Chairman I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ON APPLICATION FS-D14-53 TO A DATE CERTAIN OF SEPTEMBER 17TH, 2015, AND THAT THE PUBLIC RECORD REMAIN OPEN DURING THIS TIME.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to defer decision on FS-D –

Commissioner Ulfelder: FS-D14-53.

Chairman Murphy: – 14-53?

Commissioner Ulfelder: Yes.

Chairman Murphy: Okay - - to a date certain of September 17th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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SE 2015-SU-009 – LAIBA SHEIKH/LAIBA’S FAMILY DAY CARE (Decision Only) (The public hearing on this application was held on July 8, 2015.)

(Start Verbatim Transcript)

Commissioner Litzenberger: Thank you and could you confirm for the – we’re going on verbatim now. Could you confirm for the record that today you met with me and Ms. Susan Hartsook about the bus stop and that you agree that if they move the bus stop and it becomes an issue, you would provide one of your employees as a spotter as your customers back out of the driveway.

Laiba Sheikh, Owner, Laiba’s Family Day Care: Yes, I do.

Commissioner Litzenberger: Okay. And secondly, you confirm for the record and agree to the proposed development conditions now dated July 14th, 2015?

Ms. Sheikh: I’m sorry, say that again?

Commissioner Litzenberger: Do you agree to the proposed development conditions now dated July 14th, 2015?

Ms. Sheikh: Yes, I do.

Commissioner Litzenberger: Okay, you may sit down. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2015-SU-009, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED JULY 14TH, 2015.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the board of supervisors that it approve SE 2015-SU-009, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. The Chair abstains; not present for the public hearing.

Commissioner Strandlie: Mr. Chairman, I also abstain.

Chairman Murphy: And Ms. Strandlie abstains.

The motion carried by a vote of 9-0-2. Commissioners Murphy and Strandlie abstained from the vote. Commissioner Lawrence was absent from the meeting.

(End Verbatim Transcript)

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SE 2015-LE-004 – FATMA RIAHI, FATMA’S PLAY HOUSE

(Start Verbatim Transcript)

Commissioner Migliaccio: Thank you, Mr. Chairman. I have a home day care case that is not quite ready for the Planning Commission and, therefore, I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR SE 2015-LE-004, FATMA RIAHI, FATMA’S PLAY HOUSE, TO A DATE CERTAIN OF SEPTEMBER 30TH, 2015.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion? All those in favor to defer SE 2015-LE-004 to September 30th, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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PA 2013-I-B2 – COMPREHENSIVE PLAN AMENDMENT (SEVEN CORNERS CBC AREA)
(Decision Only) (The public hearing on this application was held on May 7, 2015.)

(Start Verbatim Transcript)

Commissioner Strandlie: Okay, now we can go on verbatim.

Chairman Murphy: All right.

Commissioner Strandlie: Okay. Motion 1: To address the community's concerns about the proposed residential density, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS A 20 PERCENT REDUCTION OF RESIDENTIAL SQUARE FOOTAGE FOR LAND UNIT B ONLY, AS SHOWN IN MY HANDOUT DATED JULY 15TH, 2015.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Motion Number 2: To address community concerns regarding the loss of the existing athletic field in Land Unit A, I MOVE THAT THE PLANNING COMMISSION RECOMMEND that the Board of Supervisors – TO THE BOARD – that the board OF SUPERVISORS THE FOLLOWING MODIFICATIONS TO THE PLAN TEXT, AS SHOWN IN MY HANDOUT DATED JULY 15TH, 2015.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: To address community concerns regarding the proposed screening and buffering text in Land Unit C pertaining to the established residential neighborhood, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TO MAKE THE FOLLOWING MODIFICATION TO THE PLAN TEXT, AS SHOWN IN MY HANDOUT DATED JULY 15TH, 2015.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Motion 4: In response to community concerns, an alternative recommendation, Option B, for the Willston Multicultural Center site has been provided that would expand public facility uses on the site to include education, cultural, governmental, and/or human services use to support the local community. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF OPTION B AS NOTED ON PAGES 44, 90, AND 91 OF THE STAFF REPORT, AS SHOWN IN MY HANDOUT DATED JULY 15TH, 2015.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Motion 5: As noted in – on page 54 of the staff report, the Schools section offers two alternatives to consider. The first option reflects the original language developed by the Seven Corners Special Working Group. The second, which is recommended by staff, clarifies the intent to focus mitigation impacts on schools. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF OPTION B AS NOTED ON PAGE 54 OF THE STAFF REPORT, IN ADDITION TO THE other – OTHER MODIFICATIONS, AS NOTED IN MY HANDOUT DATED JULY 15TH, 2015.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Mr. Chairman? You just said the modification of July 15th – THAT INCLUDES “THAT CONTRIBUTE TO” instead of ... I just want to point that out.

Commissioner Strandlie: Sorry. Thank you. I’m having a little trouble speaking tonight with allergies, so I appreciate your pointing that out. So...

Chairman Murphy: Do you have that, Marianne? Okay? Sorry.

Commissioner Strandlie: I forgot to do that. Thank you.

Chairman Murphy: We’re all set. Okay.

Commissioner Strandlie: Motion 6: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING EDITORIAL REVISION OF THE PLAN TEXT, AS ATTACHED IN MY HANDOUT DATED JULY 15TH, 2015.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Motion 7: To underscore that the draft text is intended to address only the area proximate to Seven Corners, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING MODIFICATION TO THE PLAN TEXT, AS SHOWN IN MY HANDOUT DATED JULY 15TH, 2015.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Motion 8: In response to community concerns regarding the potential displacement of families living in affordable housing, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING MODIFICATION TO PAGE 47 OF THE STAFF REPORT AS NOTED IN MY HANDOUT DATED JULY 15TH, 2015.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Motion 9: A new form-based Comprehensive Plan for the Seven Corners CBC has been provided that could foster revitalization and redevelopment efforts. I

MOVE THAT THE PLANNING COMMISSION ENDORSE ALL OTHER COMPONENTS OF THE SEVEN CORNERS COMMUNITY BUSINESS CENTER PLAN AMENDMENT 2013-I-B2 AS FOUND ON PAGES 35 TO 97 OF THE STAFF REPORT AND RECOMMEND ITS ADOPTION TO THE BOARD OF SUPERVISORS. I ALSO MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADDITIONAL EDITORIAL AND MAP CHANGES TO THE BAILEYS AND JEFFERSON PLANNING DISTRICTS, AS NOTED ON PAGES 23 TO 34 OF THE STAFF REPORT.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: And finally, Motion 10: There is a series of follow-on motions that have been developed to address a number of issues that the community has expressed interest in, primarily dealing with affordable housing, transportation, and funding. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THESE FOLLOW-ON MOTIONS, AS SHOWN IN MY HANDOUT DATED JULY 15TH, 2015.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. PCA 83-S-029-02/PRC-C-546-03/DPA-C-546-24 – CHICK-FIL-A, INC. (Braddock)
2. PRC 80-C-111 – CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS (Hunter Mill)

3. PCA 2008-LE-015-02 & PCA/CDPA/FDPA 2011-LE-022 – SPRINGFIELD METRO CENTER II, LLC AND SPRINGFIELD PARCEL C, LLC
4. PCA 94-L-004 – 4203 BUCKMAN, LLC

This agenda was accepted without objection.

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PCA 83-S-029-02 – CHICK-FIL-A, INC. – Appl. to amend the proffers for RZ 83-S-029 previously approved for a planned residential community to permit a fast food restaurant with drive-through and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 0.22. Located on the N. side of Burke Centre Pkwy., approx. 1,500 ft. E. of Ox Road, on approx. 13.73 ac. of land zoned PRC. Comp. Plan Rec: Residential Planned Community. Tax Map 77-1 ((1)) 75A, 75B, 75C, and 75D. (Concurrent with DPA-C-546-24 and PRC-C-546-03.) BRADDOCK DISTRICT.

PRC-C-546-03 – CHICK-FIL-A, INC. – Appl. to approve the PRC plan associated with RZ 83-S-029 to permit a fast food restaurant with drive-thru. Located on the N. side of Burke Centre Pkwy., approx. 1,500 ft. E. of Ox Road, on approx. 13.73 ac. of land zoned PRC. Comp. Plan Rec: Residential Planned Community. Tax Map 77-1 ((1)) 75A, 75B, 75C, and 75D. (Concurrent with PCA 83-S-029-02 and DPA-C-546-24.) BRADDOCK DISTRICT.

DPA-C-546-24 – CHICK-FIL-A, INC. – Appl. to permit the 24th amendment of the Development Plan for RZ 83-S-029 to permit a fast food restaurant with drive-thru and an increase in the allowable square footage for Land Bay 8E by 3,000 sq. ft., from 129,000 sq. ft. to 132,000 sq. ft., with an overall Floor Area Ratio (FAR) of 0.22 and associated modifications to site design. Located on the N. side of Burke Centre Pkwy., approx. 1,500 ft. E. of Ox Road, on approx. 13.73 ac. of land zoned PRC. Comp. Plan Rec: Residential Planned Community. Tax Map 77-1 ((1)) 75A, 75B, 75C, and 75D. (Concurrent with PCA 83-S-029-02 and PRC-C-546-03.) BRADDOCK DISTRICT. JOINT PUBLIC HEARING.

Sheri Akin, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit dated June 29, 2015.

There were no disclosures by Commission members.

Joseph Gorney, 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 83-S-029-02, PRC-C-546-03, and DPA-C-546-24.

Commissioner Hurley noted that the community was very enthusiastic about having Chick-Fil-A. She then referenced the dual drive-through and asked Mr. Gorney to describe how it would work. Mr. Gorney explained that it was designed so that vehicles would be stacked without blocking Burke Center Parkway or the main parking areas within the site. Commissioner Hurley then referenced page 1 of Appendix 1, Paragraph 2, under Amendment of 1983 Proffers, noting the deletion of Proffer 4(g), which Mr. Gorney confirmed, adding that because it prohibited paper wrapping it was no longer appropriate.

Chairman Murphy noted that he had concerns about the dual lane drive through when Chick-Fil-A was established in Fairfax Center; however, it worked very well.

Ms. Akin concurred with the staff report, noted that the applicant agreed with the development conditions, and added that several proffers had been proposed. She added that the application had the support of the Braddock District Land Use Committee and the Burke Conservancy, the latter of which had approved the architectural design.

Commissioner Hurley referenced Proffer Number 8, Retaining Walls, and asked Ms. Akin to confirm that the applicant had agreed to a modification to the language from structurally “sound” to structurally “engineered.” Ms. Akin said yes.

Commissioner Hart asked if the dual drive-through tapered down to one lane, to which Ms. Akin replied yes. When Commissioner Hart asked Ms. Akin if Chick-Fil-A provided dual drive-through at other locations, Ms. Akin said yes. Referencing Proffer Number 8, Commissioner Hart asked Ms. Akin if *faux brick* would include plastic materials. Ms. Akin said, no, stating that the retaining walls would consist of precast cement. Commissioner Hart requested that it be specified in the proffer prior to the Board of Supervisors’ hearing.

Referencing Appendix 9 in the staff report, Commissioner Flanagan noted that staff expressed concern about the turning movements of the delivery trucks on site and asked if there was sufficient space. Ms. Akin explained that the smaller delivery trucks arriving daily could easily fit into a parking space. She noted that the larger trucks that arrived semi-weekly, however, would only show up during non-peak hours. Mr. Gorney added that Development Condition Number 11 addressed deliveries and noted that while the trucks might block a few of the parking spaces, there was sufficient turning space for them.

Commissioner Litzenberger asked what the maximum number of cars was that could stack in the drive-through. Ms. Akin said that it was 22 cars.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. He then called for concluding remarks from the Planning Commission.

Commissioner Hurley noted that directly across the street from the subject site stood a Kohl's, which had a large parking lot that would accommodate any overflow parking from this site. In addition, she said that the Braddock District Land Use Committee had endorsed this application with the modification to the language in Proffer Number 8 mentioned earlier.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hurley for action on this item.

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed; recognize Ms. Hurley.

Commissioner Hurley: This application is strongly supported –

Chairman Murphy: Before we do that, do they have to come up and reaffirm the development conditions?

Commissioner Hurley: Yes, that's – that's going to – isn't that on verbatim?

Chairman Murphy: Yes, please.

Commissioner Hurley: Okay, I have that as part of my verbatim.

Chairman Murphy: Oh, okay. Go ahead. I'm sorry.

Commissioner Hurley: Okay. Okay, first this application is strongly supported by most of the community, which looks forward to this particular franchise appearing in our area. I'd like to thank the applicant as well as the staff's Joe Gorney and Supervisor John Cook's land use coordinator, Rosemary Ryan, for making this a long but smooth process; and specifically thank Vicki Hall from – who chaired the land use committee, as well as her compatriots Sonny Caputo and Kevin Filby. And then, with that, if the applicant could come and, I would ask you to reconfirm the development conditions that you are – that they are acceptable to you.

Sheri L. Akin, Applicant's Agent, Walsh, McGuireWoods, LLP: The – the development conditions proposed by staff is agreeable to Chick-Fil-A.

Commissioner Hurley: Okay, thank you very much. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THE FOLLOWING: 1. APPROVAL OF PRC C-546-03.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there any discussion? All those in favor of the motion to approve PRC C-546-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Second, APPROVAL OF PCA 83-S-029-02, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED JULY 15TH, 2015.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there any discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors to approve PCA 83-S-029-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Third, APPROVAL OF DPA C-546-24, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JUNE 30TH, 2015.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there any discussion of that motion? All those in favor of the motion to approve DPA C-546-24, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: And lastly, THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO APPROVE THE FOLLOWING:

- MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE BURKE CENTER PARKWAY FRONTAGE, PURSUANT TO PARAGRAPH 14 OF SECTION 13-305 OF THE ZONING ORDINANCE, TO ALLOW A REDUCTION OF THE WIDTH FROM 50 TO 33 FEET, IN FAVOR OF THE ALTERNATIVES AS SHOWN ON THE PROPOSED PLAN AND AS CONDITIONED; and lastly
- MODIFICATION OF THE BARRIER REQUIREMENT, PURSUANT TO PARAGRAPH 14 OF SECTION 13-305 OF THE ZONING ORDINANCE, IN FAVOR OF THE BARRIERS AS SHOWN ON THE PROPOSED PLAN AND AS CONDITIONED.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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PRC 80-C-111 – CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS – Appl. to approve the PRC plan associated with RZ 80-C-111 to permit modifications to an existing place of worship. Located on the S. side of Lake Newport Road and E. side of Fairfax County Pkwy., on approx. 3.53 ac. of land zoned PRC. Comp. Plan Rec: Residential Planned Community. Tax Map 11-3 ((13)) 1. HUNTER MILL DISTRICT. PUBLIC HEARING.

Carmen Bishop, 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 PRC 80-C-111.

There were no disclosures by Commission members.

Commissioner Ulfelder noted that the church was required to have only 65 parking spaces, yet the request was for almost double that amount, and asked if there might be a need to review the Zoning Ordinance parking requirement. Ms. Bishop said no. When Commissioner Ulfelder asked if parking was an issue at other churches in the county, Ms. Bishop said that she was not aware of any.

Commissioner Hart noted that the Fairfax County Board of Zoning Appeals (BZA) had heard many cases regarding churches in which parking had become an issue because the standard parking assumptions were obsolete. He pointed out that where families all once rode to church together in one vehicle, they now they often drove in several vehicles in order to be able to go to separate locations after the service.

Andrew Yeagle, Applicant's Agent, Rinker Design Associates, P.C., explained that the church requested the parking lot expansion to improve the site, in addition to being a good neighbor and

providing additional parking for its congregants, who had been parking at neighboring sites to attend services.

Commissioner Hurley concurred with Commissioners Ulfelder and Hart on the parking needs for churches. Noting Armstrong Elementary School's refusal to allow church members to park in its lot because of the insurance risk, she asked if the church couldn't work with any of the other nearby schools to provide parking, rather than removing trees to construct a new one. After a brief discussion between Commissioner Hurley and staff regarding other sites which had such agreements, Commissioner de la Fe pointed out that the issue in this case was that the church was self-insured.

Commissioner Flanagan expressed concern that the applicant could return to apply for an increase in capacity once the parking increase was approved.

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

William Brazier, 1638 Poplar Grove Drive, Reston, spoke in opposition to the application citing concern about increased noise and light pollution. He also expressed opposition to the loss of the current buffer of trees to build the additional parking lot. He suggested that church members use the lot at the nearby Armstrong Elementary School, in addition to installing a crosswalk for members to access that parking.

Commissioner Hedetniemi asked Mr. Yeagle what plans the applicant had to add new trees after the new lot was built. Mr. Yeagle explained that after meeting with the county's Urban Forester, a note was added to the plans wherein the Urban Forester would be consulted on the location of new trees, including evergreens, to provide buffering to the adjacent properties. Mr. Yeagle added that a tree survey had been conducted; however, he did not know specifically how many trees would be added to the site once construction was complete.

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.

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed; Mr. de la Fe.

Commissioner de la Fe: Thank you, Mr. Chairman. Mr. Chairman, this is – appears a simple case, but it is a – for me and I think for a lot of people, as well as Mr. Brazier, a difficult decision because in Reston we tend to really value trees. We really try to discourage cars as much as possible. We have some very robust public transportation system; however – and I might say when this was voted on by the Reston Planning and Zoning, unlike most of their decisions this

was a split decision. I think it passed by one vote in favor, primarily for the reasons of sacrificing trees for cars. On the other hand, I believe that as times change I – we have to recognize at some point reality and in this case the church is not increasing its seating capacity. What they are doing is, in effect, recognizing that cars are being parked outside of their parking lot as their – the number of cars that come with their congregants increases for each service. And as difficult as it is, we've taken as much as we can as far as mitigating the increase in parking by having permeable surfaces, increasing the landscaping, and so forth. And at this time I tend to agree with staff that, although it's a difficult decision, I think at this point I would agree with staff that we should recommend approval. So, Mr. Chairman, I request that the applicant come forward and confirm for the record their agreement to the proposed development conditions dated June 30th, 2015.

Andrew Yeagle, Rinker Design Associates, PC: I do affirm.

Commissioner de la Fe: Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PRC 80-C-111, SUBJECT TO THE CONDITIONS DATED JUNE 30TH, 2015.

Commissioners Hart and Flanagan: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Flanagan. Is there any discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PRC 80-C-111, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING TO PERMIT THE LANDSCAPING AS SHOWN ON THE PRC PLAN AND A WAIVER OF THE BARRIER REQUIREMENTS.

Commissioners Hart and Flanagan: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Flanagan. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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PCA 1998-LE-064-03 – SPRINGFIELD METRO CENTER II, LLC AND SPRINGFIELD PARCEL C, LLC – Appl. to amend the proffers for RZ 1998-LE-064 previously approved for mixed use development to permit an office development and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 1.47. Located at the terminus of Metropolitan Center Dr., S.W. of Springfield Metro Center, on approx. 8.80 ac. of land zoned C-4. Comp. Plan Rec: Industrial. Tax Map 90-2 ((1)) 56C pt. (Concurrent with PCA/CDPA/FDPA 2011-LE-022 and PCA 2008-LE-015-02.) LEE DISTRICT.

PCA 2008-LE-015-02 – SPRINGFIELD METRO CENTER II, LLC AND SPRINGFIELD PARCEL C, LLC – Appl. to amend the proffers for RZ 2008-LE-015 previously approved for office uses to permit an office development and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 1.47. Located on the W. side of Springfield Center Dr., S.W. of Springfield Metro Center, on approx. 24,394 sq. ft. of land zoned C-4. Comp. Plan Rec: Industrial. Tax Map 90-4 ((1)) 11B pt. (Concurrent with PCA/CDPA/FDPA 2011-LE-022 and PCA 1998-LE-064-03.) LEE DISTRICT.

PCA/CDPA/FDPA 2011-LE-022 – SPRINGFIELD METRO CENTER II, LLC AND SPRINGFIELD PARCEL C, LLC – Appls. to amend the proffers, conceptual and final development plans for RZ 2011-LE-022 previously approved for an office development to permit an office development and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 1.89. Located on the W. side of Springfield Center Dr., S.W. of Springfield Metro Center, on approx. 6.28 ac. of land zoned PDC. Comp. Plan Rec: Industrial. Tax Map 90-2 ((1)) 56C pt., 58D, and 90-4 ((1)) 11B pt. (Concurrent with PCA 1998-LE-064-03, and PCA 2008-LE-015-02.) LEE DISTRICT. JOINT PUBLIC HEARING.

Sara Mariska, Esquire, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated May 21, 2015.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a pending case with Ms. Mariska's law firm in which there were attorneys representing an adverse party, but indicated that it would not affect his ability to participate in this case.

Kelly Atkinson, 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 PCA 1998-LE-064-03, PCA 2008-LE-015-02, and PCA/CDPA/FDPA 2011-LE-022.

Commissioner Hart referenced Figure 9 on page 16 in the staff report and asked whether pedestrians would have access to the site. Ms. Atkinson stated that the applicant required the proposed eight-foot fence, but noted that employees for the applicant would access the site from the Franconia-Springfield Metrorail (Metro) station through a plaza that led to a turnstile gate into the site. Commissioner Hart asked if the retail would be located within the fenced area, to which Ms. Atkinson replied yes, adding that it would be available to employees and their guests. When Commissioner Hart asked if the county had made such retail provisions in the past, Catherine Lewis, ZED, DPZ, said no, but added that it would be possible to add retail for non-employee customers during phase 2 of the development. Commissioner Hart asked if pedestrians from adjacent sites would get to the Metro by going around the subject site. Ms. Atkinson said yes.

Commissioner Litzenberger noted that the Pentagon was a secure site in Arlington County, Virginia, which provided retail only to the employees and guests and added that this site would likely be the same.

Commissioner Hedetniemi asked if the turnstile gate would be an issue for a large number of people. Ms. Atkinson deferred to the applicant for a response.

Ms. Mariska provided a brief history of the application, noting that Phase 1 of the development would be commercially zoned (C-4) with two buildings, while Phase 2 would be zoned for Planned Development Commercial (PDC). She stated that this application would accommodate the specific requirements of a federal agency, including the proposed security features. She added that the application would not only significantly improve the subject site but would continue to allow circulation around the buildings. She noted that significant measures were taken to ensure that there was connectivity to the Metro from the subject site as well as to adjacent sites. Addressing Commissioner Hedetniemi's question regarding the gate, Ms. Mariska said that the turnstile would not impede pedestrian flow into the site. She then stated that the application had the support of the county staff and the Lee District Land Use Committee.

Commissioner Migliaccio noted community concerns regarding traffic and signal lights and asked Ms. Mariska to discuss how the proffers addressed them. Ms. Mariska explained that the applicant had committed to perform two traffic signal warrant studies during Phase 1 of the development: one at the intersection of Loisdale Road and Springfield Center Drive; the other at Loisdale Road and Metro Center Drive. She said that if it were determined at that time that

signals were warranted, then they would be constructed. She noted that whatever was determined not warranted would be reviewed during Phase 2 of the development.

Commissioner Ulfelder asked Ms. Mariska if the fence and turnstile were being used as security measures as an alternative to placing numerous personnel around the perimeter of the site. Ms. Mariska said that she expected security personnel to be onsite; however, she believed that employees would likely access the site with a key-card at the turnstile. She added that someone without clearance or direct invitation would not be permitted into the site.

Chairman Murphy called for speakers from the audience, but received no response. 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 Migliaccio for action on this item.

(Start Verbatim Transcript)

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

Commissioner Migliaccio: Thank you, Mr. Chairman. I have quite a few waivers and modifications and motions and motions to make tonight, but this, as we heard, is a fairly simple case. We're simply moving about 127,000 square feet from Phase 2 to Phase 1 and providing an option in Phase 1 of combining two buildings into one building to allow the applicant to chase after a federal tenant. And if that doesn't happen they can go back to their original plan of 127,000 square feet additionally in Phase 2 and Phase 1 as is. Before I make my motions, can I get Ms. Mariska to please stand up and agree to these conditions?

Sara Mariska, Esquire, Applicant's Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: We do agree to the single proposed development condition.

Commissioner Migliaccio: That was a tough one. Okay, thank you, Mr. Chairman. This application, as we heard tonight, has the support of our professional planning staff, has the Lee District Land Use Committee's support, and it also has my support. Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 1998-LE-064-3 AND PCA 2008-LE-015-2, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED JULY 14, 2015.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to the Board of Supervisors that it approve PCA 2008-LE-015-2 and PCA 1998-LE-064-3, say aye.

Commissioners: Aye.

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

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE WAIVERS AND MODIFICATIONS PROVIDED UNDER A SEPARATE ATTACHMENT DATED JULY 15TH, 2015, AND AS NOTED IN THE STAFF REPORT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 2011-LE-022, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED JULY 14, 2015.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE WAIVERS AND MODIFICATIONS PROVIDED UNDER A SEPARATE ATTACHMENT AND DATED JULY 15TH, 2015, AND AS NOTED IN THE STAFF REPORT.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE CDPA/FDPA 2011-LE-022, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 1, 2015.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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PCA 94-L-004 – 4203 BUCKMAN, LLC – Appl. to amend the proffers for RZ 94-L-004 previously approved for residential development to permit modifications to proffers and site design. Located in the N.E. quadrant of the intersection of Buckman Road and Main St., on approx. 20,000 sq. ft. of land zoned R-12, HC. Comp. Plan Rec: 2-3 du/ac. with an option for 8-12 du/ac. Tax Map 101-3 ((1)) 15B. LEE DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated March 26, 2015.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a pending case with Ms. Strobel's law firm in which there were attorneys representing an adverse party, but indicated that it would not affect his ability to participate in this case.

Kelly Atkinson, 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 believed that the application, as currently proposed, did not meet a majority of the Residential Development Criteria and, accordingly, recommended denial of PCA 94-L-004.

Commissioner Migliaccio pointed out that the subject site was in a severe state of deterioration. He added that when the application was presented to the Lee District Land Use Committee, nearly every community on Richmond Highway voted in favor of it. He then asked Ms. Atkinson to detail how far the application had progressed through the first submission process prior to its recommendation of denial by county staff. Ms. Atkinson explained that the applicant submitted

the site plan through the normal channels to Department of Public Works and Environmental Services, after which it was distributed to several other agencies for review and comments, one of which was the Urban Forest Management Division, who noticed that there was a proffer commitment and restrictions on the property. She said that it was approximately four weeks from the applicant's submittal to staff's recommendation, adding that the primary reasons were that the application would need a Comprehensive Plan amendment as well as a proffered condition amendment. When Commissioner Migliaccio asked Ms. Atkinson whether the site was vacant, she replied that it was, also confirming that the applicant would provide access to the site near the current access location. Commissioner Migliaccio noted that Parcel 15A, with an existing single family detached dwelling, had been considered for consolidation with this application and asked if the proposed screening between the two parcels was in compliance with the Comprehensive Plan. Ms. Atkinson said yes, adding that the applicant had eliminated onsite visitor parking to provide the required transitional screening. Commissioner Migliaccio then asked about the current onsite stormwater management. Ms. Atkinson stated that none existed and added that the applicant would provide a system in full compliance with the Stormwater Ordinance.

Ms. Strobel provided a brief history of the site and noted that the applicant, who owned the subject property, had been unaware of the existing proffer commitment when he submitted the application. She explained that the application had gone through the Engineers & Surveyors Institute (ESI) Site Plan Peer Review process and received comments, after which the application was submitted and was accepted by county staff. She added that the required fee checks were cashed and a number of first-submission comments were made before the county's Urban Forest Management Division discovered the proffer precluding development as proposed. She said that once it was discovered the applicant and she met with community representatives, the Supervisor's Office, and county staff to discuss options for the site. She pointed out that the applicant was very clear to all stakeholders about his intentions to develop five townhomes on the site from the outset and said that staff's request to reduce the proposed density would not be feasible. She noted three objections in staff's denial, including tree preservation, adequate transitional screening, and usable open space, and expressed her disagreement their analysis. With regard to tree preservation, Ms. Strobel pointed out that there were not many trees on the site currently and said that reducing the number of lots would do little to significantly increase the tree preservation. In addition, she stated that the applicant's tree preservation plan would exceed the requirement of 15 percent set forth in the Zoning Ordinance. With regard to adequate transition of screening, she said that transitional screening would be provided for the single family dwelling adjacent to the property. Additionally, she noted that the applicant would provide dedication of land, sidewalk, and stormwater management along Buckman Road, pointing out that the provision of these features had an impact on the provision of the full transitional screening requirement. Regarding usable open space, Ms. Strobel stated that the application provided 40 percent open space, or 7,400 square feet, which exceeding the requirement of 25 percent. She said that the application offered space primarily contiguous to the open space for the Chateaufeuf townhouse subdivision (Parcel D), located south of the subject area, which the applicant proffered to improve. She stated that if the applicant could not reach an agreement with Chateaufeuf, a contribution would instead be made to the Fairfax County Park Authority (FCPA). Ms. Strobel stated that she was working with the Chateaufeuf community to reach that agreement and was confident one would be reached. Addressing staff's

recommendations regarding access to the site, Ms. Strobel explained that an engineer for the applicant had determined that access from Main Street as suggested by county staff would be infeasible. She explained that Main Street access could only be acquired either through separate driveways to each townhome or a service type access road to the homes, both of which would increase impervious pavement and compromised transitional screening. She further noted that regardless of the means of access, a sight distance easement would be required. She then summarized the benefits of the proposal, noting that the applicant provided a subdivision with five townhomes with the following provisions:

- 40 percent open space,
- Significant tree plantings exceeding the canopy requirement by over 1,000 square feet,
- Stormwater management where none currently existed, noting that the applicant would provide stormwater management, exceeding the county requirement for phosphorous removal,
- Commitment to rebuilding techniques, and
- Dedication of significant right of way along Buckman Road and frontage improvements

Ms. Strobel also noted that, the proposal would meet all pedestrian, vehicular, and bicycle needs. She stated that the application met the majority of the bulk standard requirements, with the exception of the lot size standard, pointing out that the existing lot sizes would remain unchanged. She noted the applicant had agreed to numerous proffers, including the provision of a \$7,500 contribution to the FCPA in the event of the failure to reach an agreement with Parcel D; provision of a \$7,000 contribution to the homeowners association for the future maintenance of the stormwater management; a contribution of over \$11,000 to Fairfax County Public Schools; and a 0.5 percent contribution to the Housing Trust Fund. She further noted that the proposal had the support of the surrounding communities and the Lee District Land Use Committee, and requested the Commission's favorable consideration.

Commissioner Migliaccio asked Ms. Strobel to clarify the need for the sight distance easement and explain what would happen if it were not obtained. Ms. Strobel said that the applicant was working on an agreement with the Chateaufort community for the easement and said if they did not get it, the applicant would have to submit a new design, in accordance with Proffer Number 2, Transportation, Paragraph c, dated July 14, 2015. (A copy of the July 14, 2015 proffers is in the date file.)

Commissioner Hedetniemi asked Ms. Strobel to clarify her remarks regarding impacts to the transitional screening. Ms. Strobel explained that since the applicant would provide dedication of land, sidewalk, and stormwater management along the frontage of Buckman Road, there would not be room enough for the full required transitional screening. When Commissioner Hedetniemi asked if there would be sufficient room for vehicles to access the garages located in the rear of the homes, Ms. Strobel said that the site was designed with appropriate turning radii for drivers to access driveways/garages comfortably.

Commissioner Hart asked if the applicant had looked into combining the proposed homeowners association (HOA) with the nearby HOA, rather than creating a new standalone one. Ms. Strobel stated that while she could not say for sure if the applicant had, the new HOA would be very

small with five homes, which was why the applicant proffered to escrow funds for the stormwater management system.

Chairman Murphy called for speakers, but received no response; therefore, he noted that a rebuttal statement was not necessary. He then called for concluding remarks from the Planning Commission.

Commissioner Migliaccio asked Ms. Atkinson if staff agreed that the proposed townhomes would be a compatible housing type for the subject site. Ms. Atkinson said yes, adding that the application still needed to meet the Residential Development Criteria. Ms. Lewis added that while staff suggested the proposed tree canopy, the preference was to retain the existing trees.

Commissioner Flanagan asked Ms. Atkinson if staff was satisfied with the proposed transitional screening for homes facing the proposed garages of the subject site. Ms. Atkinson said yes. When he asked if the applicant had met the requirements for a tot lot, Ms. Atkinson replied that the applicant was working toward an agreement with the Chateaufort community for one, but nothing had been finalized as yet. Consequently, staff was concerned that if there were no agreement, the Park Authority would have final decision on where the space would go, in accordance with Proffer Number 5, Parks and Recreation.

Chairman Murphy noted concern with regard to requiring a tot lot for homeowners who had no children. Ms. Lewis stated that usable open space was required, a tot lot being a suggested use for that space.

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 Migliaccio for action on this case.

(Start Verbatim Transcript)

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

Commissioner Migliaccio: Thank you, Mr. Chairman. First off, I'd like to thank Kelly Atkinson for – and Cathy Lewis for coming to the Lee District Land Use Committee on Monday night to present staff's opinion, even though they knew that they were coming into a situation where staff – staff's opinion wasn't going to carry the day with the community. But they did a very good job and were very professional and I want to thank them for coming out. As we heard tonight, staff doesn't have a problem with townhomes at this site. What we essentially – what it boils down, as I see it, is five townhomes versus four townhomes; and four – and keeping the existing five multifamily apartments, which no one in the community wants. You've seen the pictures. You've seen what the site looks like currently. With this application the community gains funding for parks or a playground next door, improves stormwater management, frontage improvements to include additional pavement to accommodate a road bike lane along Buckman Road, and a wider sidewalk along Main Street, and a full transitional screening between the

proposed townhomes and the abutting single family home. As I had mentioned earlier, the Lee District Land Use Committee heard from the applicant and staff on Monday night and decided to support the applicant's application – this PCA – as currently brought forth. But as Mr. Hart mentioned tonight, I just want to get Ms. Strobel to agree to this to make certain that we have it because we have a Board date on July 28th. I would like to get this to it in some form or fashion. But as Mr. Hart mentioned, PROFFER NUMBER 5 DOESN'T SPEAK TO THE MAINTENANCE AGREEMENT OR INSURANCE ON THIS. AND IF THIS GETS passed by the Planning Commission tonight, are you able to put something in writing between now and the 28th for the Board to make certain that we do have a maintenance agreement SO IT'S NOT – as Mr. Hart described – AN ORPHAN?

Lynne Strobel, Esquire, Applicant's Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Yes. Yes, we will do that.

Commissioner Migliaccio: Thank you. And once I find the motions again -- Thank you Mr. Chairman. As I just mentioned, I plan on going against staff's recommendation this evening and moving this forward to the Board of Supervisors. And therefore, Mr. Chairman, I MOVE THAT THE PLANNING – THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 94-L-004, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED JULY 14, 2015, WITH THE AMENDMENT THAT MS. STROBEL JUST AGREED TO.

Commissioners Flanagan and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Flanagan. Is there any discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 94-L-004, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE WAIVERS AND MODIFICATIONS PROVIDED UNDER A SEPARATE ATTACHMENT AND DATED JULY 15, 2015 AND AS NOTED IN THE STAFF REPORT.

Commissioner Sargeant: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

(End Verbatim Transcript)

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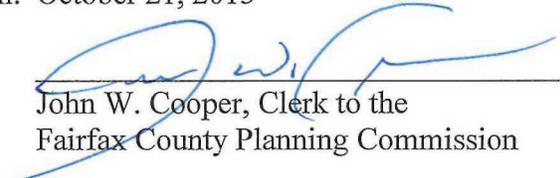
The meeting was adjourned at 10:31 p.m.

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: Jeanette Nord

Approved on: October 21, 2015



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