

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, JULY 18, 2013**

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

ABSENT: James T. Migliaccio, Lee District

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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.

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COMMISSION MATTERS

Commissioner Hart announced that the Planning Commission's Environment Committee had met with staff earlier in the evening to discuss electric vehicle charging stations and the associated implications for the Zoning Ordinance. He stated that the Commissioners had received a memorandum from Noel Kaplan, which contained a list of 17 questions to be discussed at the next meeting, and any questions on these issues should be submitted to staff. He added that the Committee would meet again at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center on the following dates and invited the public to attend:

- Thursday, July 25, 2013 (Discussion on electric vehicle supply equipment)
- Thursday, September 19, 2013 (Briefing on proposed changes to the Stormwater Management Ordinance)

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Chairman Murphy announced that John Cooper had been hired as the new Clerk to the Planning Commission and would begin work on Monday, August 12, 2013.

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Chairman Murphy announced that the Board of Supervisors had adopted the Fairfax Forward Comprehensive Plan review process, which would use a Comprehensive Plan Amendment Work

Program to schedule future planning studies. He pointed out that one of the main focus items for the Planning Commission was the Fairfax Center area, which encompassed land in four of the County's magisterial districts, including the Springfield, Braddock, Providence, and Sully Districts. He stated that a meeting would take place on Wednesday, July 24, 2013, at 6:00 p.m. in the Board Conference Room of the Fairfax County Government Center between the relevant Planning Commissioners, Supervisor staff, and County Planning staff to discuss coordination of the planning and outreach to the citizens involved in determining how Fairfax Forward would be implemented. In addition, he invited the public to attend the meeting and noted that there would be no discussions pertaining to Comprehensive Plan Amendments within this area.

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Chairman Murphy stated that the Planning Commission would meet again on Thursday, July 25, 2013, and Wednesday, July 31, 2013, before the August recess.

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION INDEFINITELY DEFER THE PUBLIC HEARING FOR 2232-V12-10, CELLCO PARTNERSHIP, d/b/a VERIZON WIRELESS.

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

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Commissioner de la Fe announced his intent to further defer the decision only on SEA 2009-DR-008, Oakcrest School, from Thursday, July 25, 2013, to Wednesday, July 31, 2013.

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FS-M13-19 – NEW CINGULAR/AT&T MOBILITY, 5055 Seminary Road

Commissioner Hall MOVED THAT THE PLANNING COMMISSION FIND THAT FS-M13-19, NEW CINGULAR/AT&T MOBILITY, LOCATED AT 5055 SEMINARY ROAD, IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND VIRGINIA CODE SECTION 15.2-2232, AS AMENDED.

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

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FS-P13-14 – NEXTNAV, LLC, 1961 Chain Bridge Road/7966 Tysons Corner Center

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION THAT THE TELECOMMUNICATION FACILITY PROPOSED

BY NEXTNAV, LLC, LOCATED AT 1961 CHAIN BRIDGE ROAD, IS SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN," PURSUANT TO VIRGINIA CODE SECTION 15.2-2232, AS AMENDED.

Commissioner de la Fe seconded the motion which carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.

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FS-P13-16 – NEXTNAV, LLC, 1850 Towers Crescent Plaza

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION THAT THE TELECOMMUNICATION FACILITY PROPOSED BY NEXTNAV, LLC, LOCATED AT 1850 TOWERS CRESCENT PLAZA, IS IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN," PURSUANT TO VIRGINIA CODE SECTION 15.2-2232, AS AMENDED.

Commissioner de la Fe seconded the motion which carried by a vote of 11-0. Commissioner Migliaccio was absent from the meeting.

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SE 2012-MA-018 – AGAPE HEALTH MANAGEMENT, INC. (Decision Only)

(The public hearing on this application was held on May 9, 2013. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2012-MA-018, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 10, 2013.

Commissioner Hart seconded the motion which carried by a vote of 9-0-2. Commissioners Hedetniemi and Hurley abstained. Commissioner Migliaccio was absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION TO THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE NORTHEAST, SOUTHEAST, AND SOUTHWEST PROPERTY BOUNDARIES, IN LIEU OF THE ALTERNATIVE SHOWN ON THE SE PLAT AND AS CONDITIONED.

Commissioner Hart seconded the motion which carried by a vote of 9-0-2. Commissioners Hedetniemi and Hurley abstained. Commissioner Migliaccio was absent from the meeting.

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. RZ 2011-PR-025 AND FDP 2011-PR-025 – CHESTNUT STREET, LLC
2. CSPA 86-C-029-09 – BRANDYWINE ACQUISITION PARTNERS, LP (Dranesville District)
3. SE 2013-DR-001 – TD BANK, NATIONAL ASSOCIATION
4. RZ 2013-BR-003 AND FDP 2013-BR-003 – THE EVERGREENE COMPANIES, LLC

This order was accepted without objection.

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RZ 2011-PR-025 AND FDP 2011-PR-025 – CHESTNUT STREET, LLC – Appls. to rezone from C-8, R-1, and HC to PDH-8 and HC to permit development of single-family detached and attached units with an overall density of 6.74 dwelling units per acre (du/ac), approval of the conceptual and final development plans, and Waiver Number 0082-WPFM-002-1 to permit the location of underground stormwater management facilities in a residential area. Located in the S.E. quadrant of the intersection of Leesburg Pike and Dale Dr. on approx. 7.86 ac. of land. Comp. Plan Rec: 7-8 du/ac. Tax Map 40-3 ((1)) 99-102; 40-3 ((5)) 23 and 24; 40-3 ((7)) 1-4; and 40-3 ((8)) A. PROVIDENCE DISTRICT. PUBLIC HEARING

Inda Stagg, Applicants agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated May 20, 2013. There were no disclosures by the Commissioners.

Brent Krasner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of applications RZ/FDP 2011-PR-025.

In response to questions from Commissioner Lawrence, Mr. Krasner confirmed that the site had been subject to a Comprehensive Plan Amendment (S12-I-J1), which had been approved by the Board of Supervisors on June 4, 2013. He then explained that this Amendment reduced the density recommendation for the subject property and modified the zoning of the parcel containing Sam's Farm Plant Nursery from commercial to residential. He also confirmed that applicant had coordinated with the surrounding community on the designs of the proposed development, noting that the subject applications were initially filed in the fall of 2011 and S12-I-J1 was a direct result of their collaboration. Commissioner Lawrence then commended the applicant and the community for their work.

When Commissioner Lawrence asked whether the applicant had investigated the possibility of closing off Chestnut Street from Route 7, Mr. Krasner explained that the Comprehensive Plan had previously recommended that Chestnut Street be turned into a cul-de-sac, but this

recommendation had been removed with subsequent amendments. He then indicated that traffic circulation had been studied during the review of the subject applications, but the community could not reach a consensus on this issue because there were concerns that closing off Chestnut Street would shift traffic to other parts of the neighborhood. Mr. Krasner added that cut-through traffic was an existing concern in the area and pointed out that Proffer Number 14 included a \$50,000 contribution towards traffic calming measures. A discussion ensued between Commissioner Lawrence and Mr. Krasner regarding traffic calming measures wherein Mr. Krasner confirmed that these measures would compensate for retaining Chestnut Street's access to Route 7. (A copy of the revised proffers dated July 11, 2013, is in the date file.)

Responding to questions from Commissioner Hurley, Mr. Krasner said that the site was located approximately three quarters of a mile from West Falls Church Metrorail Station, noting that numerous residents walked to this station. He also stated that the Fire Marshal had approved the design for the proposed private streets and the subject property could be accessed from Route 7.

A discussion ensued between Commissioner Hurley and Mr. Krasner regarding the length of the driveways for the proposed development wherein Mr. Krasner pointed out that 18-foot driveways were the County standard for accommodating a vehicle.

When Commissioner Hart asked if the applicant had committed to certain materials for the proposed masonry wall required by Proffer Number 8B, Mr. Krasner deferred to the applicant for specific commitments on this issue, adding that staff preferred a brick masonry wall as opposed to a cinderblock wall.

In reply to follow-up questions from Commissioner Hart, Mr. Krasner clarified that there would be a variable height retaining wall along the southern property line, which might be terraced to accommodate the topography. He also indicated that this wall would only be visible to the new homeowners on the subject property and would be constructed of masonry.

Replying to questions from Commissioner Sargeant, Mr. Krasner said that the Zoning Ordinance stipulated a maximum noise level of 65 decibels for the exterior of the proposed dwelling units and 45 decibels for the interior, noting that the noise study conducted by the applicant concluded that the existing levels for the row of units along Route 7 exceeded these levels. He also stated that the homeowners association would be responsible for maintaining the proposed masonry wall and private streets. In addition, Mr. Krasner explained that the ability to modify the layout depicted on the FDP, as articulated in Proffer Number 1C regarding the development plan for the site, would be pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, which specified the provisions for what constituted a minor modification. William O'Donnell, ZED, DPZ, added that this proffer language was standard for rezoning applications.

Ms. Stagg pointed out that the majority of the applicants were long-term property owners within the subject property and were committed to providing a development that was consistent with the character of the surrounding community. She explained when the original proposal was submitted in 2011, the proposed development had a density of 11.08 dwelling units per acre, which was lower than the recommended density at that time. She then stated that after numerous discussions with the community, the proposal had been modified to reduce the number of units by 31 percent and the density by 30 percent. She also indicated that the single-family detached

dwelling units had been included at the request of the property owners living along Dale Drive to ensure their compatibility with the surrounding neighborhood. Ms. Stagg pointed out the site would contain two stormwater detention facilities with the largest being located on the southeast portion of the site, adding that this facility provide capacity greater than what was required for the site under the Public Facilities Manual. She also noted that these facilities were intended to mitigate flooding in the area, which was an existing issue. In addition, she said that the applicant would also contribute \$30,000 to maintain the stormwater facility and Low Impact Development, as articulated in Proffer Number 6F, and \$50,000 to replace the facility if necessary, as articulated in Proffer Number 6A. Ms. Stagg added that the stormwater facilities had an estimated lifespan of 50 years. She then pointed out that the applicant had committed to a minimum of 75 percent brick or stone for the façades of the residential units. She also said that the outdoor construction activity restrictions listed in Proffer Number 18 would sufficiently address community concerns. In addition, she stated that the applicant would provide 244 parking spaces, which was greater than the 142 required for the site.

Answering questions from Commissioner Lawrence, Ms. Stagg indicated that the composition of the proposed masonry wall would be consistent with the depictions on Sheet 3 of the CDP/FDP in the staff report, noting that it would not be composed of cinderblock. She added that the applicant would modify the proffers to reflect these depictions prior of the Board of Supervisors' public hearing for these applications. In addition, she pointed out that the design of the wall had not been finalized yet.

When Commissioner Lawrence asked a representative of the applicant to address his earlier question regarding the possible closure of Chestnut Street from Route 7, Robin Antonucci, Vice President, Wells and Associates, explained that such a closure would have a significant impact on both the residents of the proposed development and the surrounding community. She said that it would reduce the number of outlets onto Route 7, negatively impact emergency response times, and minimize the efficiency of public services. A discussion ensued between Commissioner Lawrence and Ms. Antonucci regarding the existing traffic issues in the area wherein Ms. Antonucci concurred that the negative impacts of closing Chestnut Street outweighed the possible benefits.

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

Glen Passin, 7208 Gordons Road, Falls Church, spoke in support of the subject applications, echoing previous remarks about the coordination between the applicant, the community, the Planning Commission, and Providence District Supervisor Linda Smyth. He stated that the community had formed a task force after the original proposal was submitted and the community worked with the applicant to make the necessary modifications to address their concerns. Mr. Passin then identified topography as one of the community's primary concerns, saying that Dale Drive and Chestnut Street were hazardous roads due to their size and hilly terrain. He also noted that traffic was a major concern, pointing out that cut-through traffic was an existing issue and the commercial development on the property to the east would incur additional impact. He then asked the Commission for further clarification on how the funds for traffic calming measures would be allocated.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Stagg, who declined.

Chairman Murphy called for concluding remarks from Mr. Krasner, who addressed Mr. Passin's question about the funds for traffic calming measures, saying that Supervisor Smyth's office would determine the allocation of these funds.

In response to questions from Commissioner Flanagan, Mr. Krasner pointed out the location of the Mr. Passin's property in relation to the site. He then explained that the proposed limits of clearing and grading along the southern portion of the subject property would be addressed at the time of site plan review and the applicant would coordinate with the Urban Forester to preserve the existing mature trees, as articulated in Proffer Number 5, Tree Preservation.

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

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2011-PR-025, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JULY 11, 2013, AND THE FOLLOWING MODIFICATION:

- PROVIDE ADDITIONAL LANGUAGE IN PROFFER NUMBER 8B TO SPECIFY THE MATERIALS TO BE UTILIZED FOR THE MASONRY WALL.

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

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2011-PR-025.

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

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER TO ALLOW PRIVATE STREETS TO EXCEED 600 FEET IN LENGTH, IN FAVOR OF THE STREET LAYOUT DEPICTED IN THE CDP/FDP.

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

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS BETWEEN THE PROPOSED ATTACHED

AND DETACHED RESIDENTIAL UNITS ALONG DALE DRIVE, IN FAVOR OF THE PLANTINGS SHOWN ON THE CDP/FDP.

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

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE BARRIER REQUIREMENT ALONG CHESTNUT STREET, IN FAVOR OF THE PLANTINGS SHOWN ON THE CDP/FDP.

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

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE PUBLIC FACILITIES MANUAL (PFM) REQUIREMENTS AT THE TIME OF SITE PLAN APPROVAL TO LOCATE UNDERGROUND STORMWATER MANAGEMENT FACILITIES IN A RESIDENTIAL AREA (PFM SECTION 6-0303.8), SUBJECT TO THE WAIVER CONDITIONS DATED MARCH 28, 2012, WAIVER NUMBER 0082-WPFM-002-1.

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

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TREE PRESERVATION TARGET AREA REQUIREMENT, IN FAVOR OF THE PLANTINGS SHOWN ON THE CDP/FDP.

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

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CSPA 86-C-029-09 – BRANDYWINE ACQUISITION PARTNERS, LP – Appl. under Sect. 12-210 of the Zoning Ordinance to amend the previously-approved Comprehensive Sign Plan associated with RZ 86-C-029 to permit sign modifications. Located at 13880 Dulles Corner Lane, Herndon, on approx. 11.05 ac. of land zoned PDC. Tax Map 15-4 ((1)) 1B1. DRANESVILLE DISTRICT. PUBLIC HEARING

Commissioner Donahue 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 Donahue for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION APPROVE CSPA 86-C-029-09, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 3, 2013.

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

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SE 2013-DR-001 – TD BANK, NATIONAL ASSOCIATION –  
Appl. under Sects. 4-604 and 4-804 of the Zoning Ordinance to permit a drive-in financial institution. Located at 9901 Georgetown Pike, Great Falls, on approx. 27,426 sq. ft. of land zoned C-6 and C-8. Tax Map 13-1 ((1)) 5A. DRANESVILLE DISTRICT.  
PUBLIC HEARING

Lori Murphy, Esquire, Bean, Kinney & Korman, PC, reaffirmed the affidavit dated July 18, 2013. Commissioner Hart stated that he did not have sufficient time to review the most recent affidavit to determine whether the law firms listed was involved with Hart & Horan, PC; therefore, he recused himself from this public hearing.

Commissioner Donahue announced his intent to defer the decision only after the close of the public hearing.

At the request of Commissioner Donahue, Ms. Murphy explained that an additional party had been added to the affidavit because the subject property was currently under remediation and the landowner had been asked to hire an environmental attorney to answer any questions on this matter. Subsequently, Commissioner Donahue MOVED THAT THE PLANNING COMMISSION WAIVE ITS POLICY REGARDING AFFIDAVITS NOT RECEIVED AT LEAST SEVEN BUSINESS DAYS IN ADVANCE OF THE SCHEDULED PUBLIC HEARING AND PROCEED WITH THE PUBLIC HEARING IN REFERENCE TO SE 2013-DR-001.

Commissioner Litzenberger seconded the motion which carried by a vote of 9-0. Commissioner Hart recused himself. Commissioner Lawrence was not present for the vote. Commissioner Migliaccio was absent from the meeting.

Michael Lynskey, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application SE 2013-DR-001.

Commissioner Donahue reiterated for the record that the affidavit affirmed by the applicant was dated July 18, 2013, which included the firm, Leiter & Cramer PLLC on page 1A.

When Commissioner Flanagan asked whether the subject property and surrounding properties were served by septic systems, Mr. Lynskey stated that there were no such systems serving these properties.

Responding to questions from Commissioner Sargeant, Kurt Kochan, Senior Environmental Geologist, Virginia Department of Environmental Quality (VDEQ), said that the typical timeframe for the type of environmental remediation being conducted on the site was 5 to 15 years. He also confirmed that the proposed use for the site would accommodate the equipment needed to conduct the remediation.

Commissioner Sargeant asked Mr. Lynskey to explain the process of determining that the parking space referenced in Development Condition Number 25 in Appendix 1 of the staff report, which permitted the space to encroach into the corner lot restriction area, was an impediment to sight distance or vehicular safety. Mr. Lynskey explained that there was existing right-of-way along Georgetown Pike and the condition required the removal of this parking space should the Fairfax County Department of Transportation request it. He added that the corner lot restriction was intended to protect sight-distances, but he noted that there was sufficient space between the property line and Georgetown Pike to ensure that this would not be an issue. In addition, William O'Donnell, ZED, DPZ, pointed out that Development Condition Number 25 would also avoid a future violation and the subsequent need for a Special Exception Amendment if Georgetown Pike was widened.

Replying to an additional question from Commissioner Sargeant, Mr. Lynskey said that staff did not anticipate any issues with the noise or fumes generated by vehicles on the subject property for neighboring office building. He added that at a meeting with the Great Falls Citizen Association (GFCA), the community did not express concern about this issue, but the applicant included an option to increase the height of proposed retaining wall if necessary. He also indicated that additional screening would be added to further mitigate noise.

When Commissioner Donahue asked for more information about the timeframe for the environmental remediation process, Mr. Kochan explained that the outline for the corrective action plan would be submitted at the end of August 2013, after which there would be a 30-day public comment period. He then said that there would be an additional meeting with the surrounding community, after which the corrective action plan would be approved, subject to the incorporation of revisions from public comments. He stated that upon approval, the necessary equipment to implement the plan would be procured. A discussion ensued between Commissioner Donahue and Mr. Kochan regarding a possible date for when the progress of the remediation progress could be reported.

Ms. Murphy said that the GFCA had submitted a letter of support for the subject application. She then described the applicant's meetings with the GFCA, saying six meetings had been held to date. She indicated that the primary issues of concern were architecture and the ongoing remediation process at the site. She pointed out that the subject property was zoned commercial and a bank was a by-right use, but the applicant sought to include drive-through lanes, which required a Special Exception. Ms. Murphy also noted that the proposed development would be located near the intersection of Georgetown Pike and Walker Road, which was near Great Falls Village. In addition, she stated that the applicant had coordinated with the GFCA, which

included two architects, to design the proposed bank in a manner that would be consistent with the rural character of the surrounding community. She also stated that the development would include a clock tower, which would be the first in the Great Falls area. She added that the proposed bank would also achieve LEED certification. Ms. Murphy said that the subject property had previously included a gas station and such uses frequently required remediation. She indicated that the landowner would continue to work with the surrounding community and VDEQ on the remediation process. She also noted that this process would not restrict the proposed use, adding that VDEQ preferred conducting remediation while a site was being redeveloped. She then pointed out that Development Condition Number 12, which permitted the remediation shed on the site, acknowledged the remediation process. Ms. Murphy said that the proposal accommodated the narrowing of Walker Road and frontage improvements. In addition, she stated that the applicant had committed to install landscaping and reduce the amount of impervious surface on the site. She then addressed Commissioner Sargeant's questions about sight distance on the property, reiterating that the property line was set back from Georgetown Pike and this area contained existing right-of-way. She added that the applicant would install pedestrian connections along Georgetown Pike, subject to coordination with the Virginia Department of Transportation and the surrounding community. (A copy of the GFCA's letter is in the date file.)

When Commissioner Litzenberger asked about the hours of operation for the proposed bank, Ms. Murphy indicated that the both drive-through lanes for the proposed bank would be open seven days a week.

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

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON SE 2013-DR-001 TO A DATE CERTAIN OF SEPTEMBER 12, 2013, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioners Hedetniemi and Litzenberger seconded the motion which carried by a vote of 9-0. Commissioner Hart recused himself. Commissioner Lawrence was not present for the vote. Commissioner Migliaccio was absent from the meeting.

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RZ 2013-BR-003 AND FDP 2013-BR-003 – THE EVERGREEN COMPANIES, LLC – Appls. to rezone from R-1 to PDH-3 to permit residential development with an overall density of 2.35 du/ac and approval of the conceptual and final development plans. Located at 9717, 9719, 9721 and 9723

Braddock Road, Fairfax, on approx. 4.26 ac. of land. Comp. Plan  
Rec: 2-3 du/ac. Tax Map 69-1 ((1)) 39B, 39C, 40A, and 40B.  
BRADDOCK DISTRICT. PUBLIC HEARING

Scott Adams, Esquire, McGuireWoods LLP, reaffirmed the affidavit dated June 13, 2013. 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 approval of applications RZ/FDP 2013-BR-003.

Responding to questions from Commissioner Hurley, Mr. O'Donnell confirmed that the three existing houses on the subject property utilized the private access easement that was connected to Braddock Road. He added that the subject applications would replace this access with landscaping and trails while Banting Drive was extended to provide a new access point. He also confirmed that Banting Drive currently terminated near the southern boundary of the site and there was also a temporary sign indicating that this road would be extended. A discussion ensued between Commissioner Hurley and Mr. O'Donnell regarding the importance of Braddock Road wherein Commissioner Hurley stated that the Virginia Department of Transportation (VDOT) opposed providing direct access to Braddock Road from the proposed development.

Commissioner Hart expressed concern about the language in Proffer Number 13, Future Interparcel Access, in Appendix 1 of the staff report because it implied that the interparcel access with Lot 31B was contingent on a rezoning and this might preclude other forms of redevelopment, such as by-right development or institutional uses. Mr. O'Donnell explained that Proffer Number 13 was intended to ensure that interparcel access would be provided when Lot 31B was redeveloped, thereby limiting the amount of access points to Braddock Road. A discussion ensued between Commissioner Hart and Mr. O'Donnell wherein Commissioner Hart said that he favored less restrictive language that ensured the proffer was not contingent on a rezoning application and Mr. O'Donnell deferred to the applicant to address this matter. Commissioner Hurley concurred with Commissioner Hart's concerns and emphasized the importance of ensuring that vehicles could not access Braddock Road from Banting Drive.

Mr. Adams said that the proposed development would provide a logical extension of the existing Briarwood neighborhood, adding that the applicant had met with the residents of this neighborhood to address their concerns. He pointed out that Banting Drive currently terminated near the southern portion of the subject property and would be extended to provide access for the proposed development, noting that the applicant would dedicate right-of-way and escrow sufficient funds to construct this extension. He also addressed Commissioner Hart's concern about Proffer Number 13, saying that the intent of the proffer was to have Lot 31B redevelop through a process that would prevent access onto Braddock Road. Mr. Adams then stated that the applicant would refine the language of the proffer to ensure sufficient flexibility for the redevelopment of this lot. In addition, he said that the proposal included on-site recreation, such as walking trails and sitting areas, and sidewalk connections with the existing Briarwood neighborhood.

In response to questions from Commissioner Flanagan, Mr. O'Donnell indicated that a maximum of four dwelling units could be constructed if the subject property were developed under an R-1 zoning. He then explained that the Comprehensive Plan recommended two to three dwelling units per acre for the site and the density of the proposal was approximately 2.35 dwelling units per acre, which permitted a maximum of 10 houses. In addition, he confirmed that such density would not preclude the redevelopment of Lot 31B.

Replying to questions from Chairman Murphy, Mr. O'Donnell confirmed that the design for the terminus of the extension to Banting Drive had been approved by the Fire Marshal. A discussion ensued between Chairman Murphy and Mr. O'Donnell regarding the absence of documentation of the Fire Marshal's assessment in the staff report wherein Mr. O'Donnell explained that such analysis was not included in a staff report unless significant issues were identified. Chairman Murphy requested that this documentation from the Fire Marshal be included in the staff report.

Chairman Murphy called the first listed speaker.

Raine Gilbert, 111 Tapawingo Road Southeast, Vienna, voiced support for the proposal, but had concerns about the impact on Lot 31B, which he and his brothers owned. He said that they could not pursue their respective plans for the property because it could not be subdivided without sufficient road access and the proposed extension of Banting Drive did not extend far enough to permit such a subdivision. Mr. Gilbert also described the existing private access easement that extended to Braddock Road, saying that it provided access to the western end of Lot 31B and its removal would make traversing the property more difficult. In addition, he echoed previous remarks regarding the possibility of developing Lot 31B without rezoning, saying that the property would be within the R-1 limits if it were divided into three portions.

Chairman Murphy asked Mr. Gilbert if the issues he raised in his testimony had been resolved during his conversations with the applicant prior to the beginning of the public hearing. In response, Mr. Gilbert said that he had spoken with the applicant's representatives, who informed him that there was no prescriptive easement on the portion of the private access easement that ran through Lot 31B. He also indicated that he did not support the existing language for Proffer Number 13 because it specified that a rezoning was necessary to provide interparcel access to Lot 31B; therefore, he supported modifying the proffer to permit more flexibility. He also endorsed extending the proposed Banting Drive extension closer to the Lot 31B property line.

In reply to questions from Commissioner Hurley, Mr. Gilbert clarified that he was not requesting that the applicant further extend Banting Drive to Lot 31B because he and his brothers were not able to finance a cul-de-sac at the moment. He then confirmed that modifying the language to Proffer Number 13 to permit more flexibility with redeveloping these lots would alleviate his concerns.

Commissioner Hart informed Mr. Gilbert that the lots he and his brothers owned could be resold at a later time and other developments on this land were possible, such as a church or a park. He also addressed the issues Mr. Gilbert raised in his testimony, saying that the Commission could not resolve conflicts he had with the applicant regarding the existing private access easement. He explained that since this access easement was private, Mr. Gilbert and his brothers should consult an attorney to help create a private agreement with the applicant. Mr. Gilbert concurred and

indicated that his previous discussions with the applicant's representatives had clarified the scope of the subject applications. In addition, Mr. O'Donnell pointed out where the private access easement would be terminated on the subject property, noting that there would still be significant portions of the easement along Lot 31B to provide sufficient access to the property.

Chairman Murphy called for speakers from the audience.

Brian Hardy, 15668 Factory Street, Waterford, said that he owned Lot 29 and echoed previous remarks regarding the importance of not incurring cut-through traffic from Braddock Road through the private access easement. He also supported modifying Proffer Number 13 to permit improved access to Banting Drive from Lot 31B.

Commissioner Hurley informed the Commission that the land north of the subject property contained the Northern Virginia Training School for the Mentally Retarded, which was currently owned by the State of Virginia and would be closed. She stated that plans for this site had not been finalized and Mr. O'Donnell indicated that it might require a Comprehensive Plan Amendment.

Answering questions from Commissioner Flanagan, Mr. O'Donnell confirmed that Lots 29 and 31A were currently accessed from Braddock Road. He then explained that providing access to these lots from Banting Drive was contingent on how each lot was redeveloped, noting that if Lot 29 were developed separately from Lots 31A and 31B, it would still be accessed from Braddock Road. He also said that the access from Banting Drive for these lots would have to have sufficient sight distances and meet the requirements prescribed by VDOT.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Adams, who stated that the applicant would coordinate with Mr. Gilbert and Commissioner Hurley to revise the language for Proffer Number 13 to provide sufficient access to the neighboring properties while not incurring additional cut-through traffic to Braddock Road.

Responding to questions from Commissioner Hurley, Mr. Adams confirmed that the applicant would coordinate with the Briarwood Homeowners Association to alleviate concerns regarding erosion in nearby parkland. He also confirmed that the applicant would allocate the funds mentioned in Proffer Number 28, Off-Site Recreation, towards this purpose prior to the Board of Supervisors' public hearing for these applications.

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 these cases. (A verbatim excerpt is in the date file.)

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Commissioner Hurley MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2013-BR-003, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED JUNE 24, 2013.

Commissioner Sargeant seconded the motion which carried by a vote of 10-0. Commissioner Lawrence was not present for the vote. Commissioner Migliaccio was absent from the meeting.

Commissioner Hurley MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2013-BR-003, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2013-BR-003.

Commissioner Sargeant seconded the motion which carried by a vote of 10-0. Commissioner Lawrence was not present for the vote. Commissioner Migliaccio was absent from the meeting.

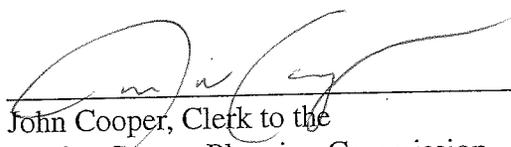
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The meeting was adjourned at 10:12 p.m.  
Peter F. Murphy, Chairman  
Janet R. Hall, Secretary

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: July 17, 2014

  
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John Cooper, Clerk to the  
Fairfax County Planning Commission