

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, NOVEMBER 6, 2014**

PRESENT: Peter F. Murphy, Springfield District  
Frank A. de la Fe, Hunter Mill District  
Janet R. Hall, Mason District  
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: James R. Hart, Commissioner At-Large  
Kenneth A. Lawrence, Providence District

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The meeting was called to order at 8:23 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 Migliaccio announced his intent to defer the public hearing on RZ 2014-LE-010/SEA 2005-LE-072-02/SEA 2005-LE-028, Piney Run Elm Investments LC, from November 19, 2014 to a date to be determined.

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Commissioner Flanagan announced that Negat H. Iehdego, owner of Negat's Home Child Care had submitted a request for withdrawal of her application, therefore, the decision only scheduled for this evening would not take place.

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SE 2014-MV-028 – EJIGAYEHU AVALEW (JC'S CHILD CARE) (Decision Only) (The public hearing on this application was held on October 23, 2014. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Flanagan: SE 2014-MV-028, however, has made excellent progress and so it is ready to be a decision this evening. I'd like to ask the applicant - - is the applicant here? If you would come down, please. Welcome and thank you for the cooperation that you have provided us since the public hearing.

Chairman Murphy: Hold on a minute. Would you please identify yourself for the record.

Ejigayehu Ayalew, Owner, JC's Child Care: My name is Ejigayehu Ayalew. I live at 9607 Sloway Coast Drive, Lorton, Virginia.

Chairman Murphy: Okay, thank you.

Commissioner Flanagan: Mr. Chairman, I request that the applicant confirm for the record that their agreement to the proposed development conditions now dated October 30, 2014 – you agree with the conditions – that they have now?

Ms. Ayalew: Yes, I do.

Commissioner Flanagan: Thank you.

Chairman Murphy: Thank you. You may go back to your seat. Thank you very much.

Commissioner Flanagan: With that Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-MV-028, SUBJECT TO THE CONDITIONS DATED OCTOBER 30, 2014.

Commissioners Hedetniemi, Litzenberger, and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant, Ms. Hedetniemi, and Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MV-028, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

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SE 2014-BR-039 – RATI KC d/b/a MRS. RATT'S FAMILY HOME DAYCARE

Commissioner Hurley: Mr. Chairman, I move to defer SE 2014-BR-039, Mrs. Rati's Family Home Daycare, indefinitely.

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 indefinitely SE 2014-BR-039, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

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Secretary Hall established the following order of the agenda:

1. AR 89-S-004-03 – HOPE FOSTER BRITT
2. RZ/FDP 2014-BR-007 – NVR, INC.
3. RZ/FDP 2014-SP-005 – CHRISTOPHER LAND, LLC
4. RZ/FDP 2014-BR-009 – NCL XI, LLC
5. RZ/FDP 2014-PR-004 & PCA 88-D-005-08 – AMHERST PROPERTY, LLC

This agenda was accepted without objection.

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Since the following case was in the Springfield District, Vice Chairman de la Fe assumed the chair.

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AR 89-S-004-03 – HOPE FOSTER BRITT – Appl. authorized by Chapter 115 (County Code), effective June 30, 1983, to permit renewal of a previously approved agricultural and forestal district. Located at 13315 Twin Lakes Dr., Clifton, on approx. 25.51 ac. of land zoned R C and WS. Tax Map 66-3 ((1)) 3Z, 4Z, 5Z, 6Z, and 21Z.

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

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Vice Chairman de la Fe: I will close the public hearing. Mr. Murphy.

Commissioner Murphy: Thank you, Mr. Chairman. We are pleased that the Britt Family is renewing their Agricultural and Forestal District which is 25, almost 26, acres of land near the – Twin Lakes Drive in Clifton. So, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT AR 89-S-004-03

BE APPROVED AND APPENDIX F OF THE FAIRFAX COUNTY CODE BE AMENDED TO RENEW THE FOSTER BRITT LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO THE PROPOSED ORDINANCE PROVISIONS DATED OCTOBER 22<sup>ND</sup>, 2014.

Commissioner Hall: Second.

Vice Chairman de la Fe: Seconded by Mrs. Hall. Is there any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries unanimously.

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

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Chairman Murphy resumed the chair.

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RZ/FDP 2014-BR-007 – NVR, INC. – Appls. to rezone from R-1 to PDH-3 to permit residential development with an overall density of 2.88 du/ac. and approval of the conceptual and final development plans. Located in the S.E. quadrant of the intersection of Lee Hwy. and Forest Hill Dr. on approx. 13.88 ac. of land. Comp. Plan Rec: 1-3 du/ac. Tax Map 56-2 ((4)) 1; 56-2 ((1)) 54, 55, 57, 58, and 59.

Gregory Riegler, Esquire, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit dated September 30, 2014.

There were no disclosures by the Commissioners.

Kris Abrahamson, 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 applications RZ/FDP 2014-BR-007.

Commissioner Hurley asked Ms. Abrahamson to confirm that Option A only would connect the existing cul-de-sac through to Delsignore Drive, which Ms. Abrahamson did, after which she provided a brief history of the cul-de-sac, noting it had been determined at the time of its development that the proposed connection was to be made. She also confirmed that a grasscrete emergency vehicle-only access would be provided on the northern end of the parcel. Ms. Abrahamson added that the fire marshal had preliminarily reviewed the site plan and stated that an official review would be performed during the subdivision plan review process. When

Commissioner Hurley asked about the mix of public and private roads, Ms. Abrahamson confirmed that some roads would remain private to accommodate “head-in” parking, while others would be public, adding that staff was comfortable with the mix. Commissioner Hurley asked if any redevelopment plans had been submitted for the commercially zoned property located northeast of the parcel. Ms. Abrahamson said that one site plan for an office building, which had been denied, was submitted over a year ago. She added that aside from occasional meetings, nothing had happened with the plan. Commissioner Hurley then asked how much frontage the applicant would dedicate for the future widening of Route 29. Michael Lynskey, ZED, DPZ, stated that approximately one and a half acres of additional right-of-way would be dedicated to the county. Commissioner Hurley then asked if a cultural analysis had been completed, to which Ms. Abrahamson responded that it had, noting that there were no significant impacts on the property, particularly to the portion of the Manassas Gap Railroad or the two-story house on the site.

Commissioner Ulfelder asked Ms. Abrahamson to explain a remark she made regarding Deerfield Forest. She detailed the future planned improvements for Route 29 and projected impacts on the nearby intersections and said that an interparcel connection, in addition to those changes, would allow residents at Deerfield Forest an easier exit from a signalized intersection.

In reply to a question from Commissioner Hedetniemi, Ms. Abrahamson confirmed that the site would have two access points, one from Delsignore Drive and another via a street behind Lots 9 through 12. When Commissioner Hedetniemi asked if such limited access would be an issue, Ms. Abrahamson pointed out that it was better than many other areas in the county.

Mr. Riegler provided a brief history of the subject area, noting that it had evolved into an attractive and diverse multi-use area with multifamily, institutional, and high-quality single family detached communities, with the latter predominantly on the southern side of Route 29 where the proposed application would be. He noted that the applicant took considerable care with regard to the placement of buffers and the proposed architecture. He added that a significant amount of parking would be provided without affecting the proposed open space. In addition, he noted that this was the first application with a proffer commitment to provide the infrastructure for electric vehicle charging stations in every unit. He stated that any of the proposed options was viable and said the applicant was prepared to implement whichever one was selected. He thanked county staff and Commissioner Hurley and requested the Commission’s recommendation of the application.

Commissioner Migliaccio asked why there was no trigger point for Option C. Mr. Riegler explained that the design for Option C had been submitted later than those for Options A and B and added that the public testimony might offer insight on its possible triggers. In addition, he said that the option might be revisited when some of the future improvements to Route 29 had occurred.

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

Nancy Falck, 4320 Forest Hill Drive, #316, Fairfax, referenced Overlay Requirements, under the Fairfax Center Area Plan, on pages 9 and 10 of the staff report, and noted that staff had recommended several waivers for the applicant’s lack of conformance with the elements in this

section. She pointed out that at the proposed density it was difficult for the applicant to meet the requirements, particularly for stormwater and trees, and suggested that the Planning Commission review the proposed density. She expressed concern about monitoring parking on the proposed private roads and requested that the traffic light at the intersection of Lee Highway and Forest Hill Drive be adjusted to allow more vehicles from Forest Hill Drive through. Additionally, she requested that the Fairfax County Public Schools be consulted regarding the safety of the proposed playground, its elements, and best maintenance practices.

Commissioner Hurley referenced Appendix 7 and asked if it was pertinent to the Fairfax Center Plan, particularly in regard to the current stormwater management requirements. Ms. Abrahamson explained that the Plan was undergoing Phase 1 of a review and staff anticipated an update of the checklist. Further discussion followed regarding meeting the elements on the checklist, wherein Ms. Abrahamson explained that the list was a guide to demonstrate how well an applicant addressed applicable/essential elements of a development and, in this case, she stated that staff felt the applicant had met the guidelines.

Commissioner Flanagan noted Ms. Falck's statement of cut-through traffic resulting from the connection at Delsignore Drive and asked what traffic would be generated by the connection. Elizabeth Iannetta, Transportation Planning Division, Fairfax County Department of Transportation, said that while no calculations had been made, staff felt that the number would be low given the design of the connection. Commissioner Flanagan asked if there were speed bumps on Forest Hill Drive. Ms. Iannetta said no; however, she noted that if the road were to be public, there were plans to install stop signs during the site plan process. In addition, she noted that the public street width would be between 24 and 26 feet, with limited parking.

Sean Foohey, 4320 Forest Hill Drive, #112, Fairfax, opposed the interparcel connection through Delsignore Drive, stating that it would create unnecessarily increased traffic through the neighborhood. He added that nearby residents would use the new connection as a cut-through as well as drivers on Lee Highway wishing to avoid traffic signals. He expressed concern about pedestrian safety and said that a walkway should be installed across Lee Highway at the intersection of Forest Hill Drive and Ridge Top Road. Additionally, he said that a left-turn lane from Forest Hill Drive onto west-bound Lee Highway should be added to improve the traffic on Forest Hill Drive.

Karen and Lee Neill, 11416 Delsignore Drive, Fairfax, spoke in opposition to the connection at Delsignore Drive. Mrs. Neill stated that her family had lived in this very quiet neighborhood for over 22 years and expressed concern about the increased traffic caused by the connection. Mr. Neill stated that existing residents would use the connection as a cut-through, and said that he did not understand the reason for allowing the connection since it would not be advantageous to anyone nearby.

Commissioner Migliaccio asked the Neills if they were aware of the plans for the connection when they purchased their home. Mr. Neill said that the realtor had told them that although the property was zoned for one-acre residential lots, it would never be developed. Commissioner Migliaccio reiterated and emphasized that the interparcel connection had been in the Comprehensive Plan at the time the Neills purchased their home.

There was a discussion between Commissioner Ulfelder and Mr. Neill in which the latter described the traffic he currently experienced leaving his neighborhood. When Commissioner Ulfelder noted that improvements to Route 29/Lee Highway would ultimately improve traffic on Shirley Gate Road, Mr. Neill countered that there would instead be a severe traffic backup. Commissioner Hall asked Ms. Abrahamson how a private cul-de-sac would connect to a public street. Ms. Abrahamson explained that with Option A, which staff endorsed, Delsignore Drive, which was public, would connect with a public street while the rest of the subdivision remained private property.

Chairman Murphy asked which option would limit the site to only one access. Ms. Abrahamson stated that Option B would provide only one access point, adding that staff did not endorse that option because it would not meet county or state guidelines for connectivity. Chairman Murphy expressed concerns that it would not meet safety guidelines since it could easily be blocked.

Commissioner Flanagan asked about the future connection proposed at the northeastern end of the proposed site and asked if it would connect to Shirley Gate Road. Ms. Abrahamson said that in the event the adjacent parcel developed residentially, a connection would be made to the new street provided by this application, but no connection would be made to Shirley Gate Road.

Commissioner Migliaccio noted that the staff report was silent on funding for Option C. Ms. Abrahamson explained that it would be difficult to determine, given that no trigger for implementing the option had yet been determined. Additionally, she noted that the current regulations limited the county to escrow funds for only seven years, which might not be enough time in this case.

Susan Miles, 11414 Shirley Gate Court, Fairfax, noted that her property stood adjacent to the proposed development and reiterated earlier remarks regarding drivers cutting through the neighborhood. She challenged the reference to the approval of the connection in the Comprehensive Plan, pointing out that the area had changed significantly since then, particularly with a marked increase in density. She stated that the cut-through traffic would not only be from neighborhood drivers, but also from members of the Korean Church, the juvenile detention center, and the Islamic Center, all nearby. She noted that approximately 85 vehicles could be found parked in her neighborhood instead of the relative parking lots of these businesses on any given Friday. She further expressed concern about safety at the intersection of Shirley Gate Road and Nancyann Way with the possibility of increased traffic.

Tom McDonald, representing Braddock District Land Use and Environment Committee, 12307 Cannonball Road, Fairfax, noted that the Braddock District Land Use and Environment Committee recommended approval of the Forest Ridge development on October 21 prior to the release of the staff report, adding that its approval was based on the planned development housing (PDH-3) housing development concept, and the transportation concept of providing a connection from Forest Hill Drive to Shirley Gate Road, with a delay of the interparcel connection based on traffic conditions on Shirley Gate Road and the ability of the Deerfield Forest community to exit the community. He added that while the connection might cause consternation among some of the residents, the committee believed that it would provide an additional choice for residents to access the neighborhood.

When Commissioner Migliaccio asked Mr. McDonald which option he preferred, Mr. McDonald said that he preferred no connection, but stated that the future improvements on Route 29 should help to alleviate the cut-through issues that would like occur with the connection.

Robert Cahoon, representing Shirley Gate Estates Homeowners Association (HOA), 11418 Shirley Gate Court, Fairfax, spoke in opposition to Option A and demonstrated on a county tax map where his community was located. He stated that the HOA's concerns centered on the safety of connecting Forest Hill Drive to Shirley Gate Road, adding that he himself would use it because it would allow him to avoid a nearby intersection where he had been in an accident in the previous year. In addition, he expressed concern about the safety of the children at the proposed tot lot running into the roadway. He further added that he didn't believe that the planners who approved the connection in the late 1970s had considered the amount of traffic that would exist in the area. He said that a connection would only worsen the existing traffic and make it more difficult for existing residents to get out of the community.

Commissioner Flanagan asked for clarification from Mr. Cahoon regarding his use of the cut-through. Mr. Cahoon explained that while a cut-through would benefit him should the connection be made, he did not wish for it to be approved, given the additional traffic and dangers that would accompany the connection.

Rachael Cahoon, 11418 Shirley Gate Court, Fairfax, was opposed to the application, citing not only the cut-through traffic but also the high-speed of the existing traffic on Shirley Gate Road. She pointed out that there were no lights on Shirley Gate Road and that drivers often exceeded the speed limit. Ms. Cahoon further stated that residents often had to wait for long periods before being able to enter the roadway. She feared that the connection would exacerbate the existing problem and requested that the application be denied.

Commissioner Flanagan asked Ms. Abrahamson if the traffic on Shirley Gate Road would be the same as that generated by the implementation of Option B in the staff report. Ms. Abrahamson said that it likely would.

Commissioner Migliaccio suggested the applicant install speed bumps on the private streets to not only limit the cut-through traffic but also lower the speed of the vehicles.

There was a brief discussion between Commissioner Ulfelder and Ms. Abrahamson regarding several speakers' remarks on how current residents needed to exit right from Nancyann Way onto Shirley Gate Road and then make a U-turn if they wanted to go left from the neighborhood, which was often quite dangerous.

Theodore Smith, 4320 Forest Hill Drive, Fairfax, noted that his building would be directly opposite the only access to the Forest Ridge community. He added that the increase in traffic would be significant and requested that a traffic impact study be done prior to approval of the application.

Ami Gadhia, 11316 Peep Toad Court, Fairfax, noted that she was new to the neighborhood and, having experienced the difficulty of exiting her driveway onto Shirley Gate Road, questioned

staff's remarks regarding the limited impact of the proposed connection. She echoed the concerns of the previous speakers regarding the increased traffic and requested a traffic impact analysis prior to the Commission's decision. She asked whether traffic lights might be considered at the connecting streets along Shirley Gate Road to make it easier for residents to enter onto the roadway.

Chairman Murphy noted that the Virginia Department of Transportation regulated traffic signals and the need for them.

Frederick Bailey, 11317 Nancyann Way, Fairfax, Frederick Bailey, 11317 Nancyann Way, Fairfax, reiterated that drivers from outside of the community would be using the roadway as a cut-through. In addition, he pointed out that many of the proposed road improvements had not yet been funded and said that the proposal should not have been submitted without full funding and complete and accurate information regarding the road improvements and traffic impacts.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Riegler, who addressed Commissioner Migliaccio's question regarding traffic calming and said that the applicant had reviewed stop signs and the like. He asked the Commission to consider all of the options in its decision, adding that he looked forward to working with Commissioner Hurley to ensure the best proposal for the community.

Commissioner Ulfelder asked Mr. Riegler if there would be a right-turn lane at the intersection of Lee Highway and Forest Hill Drive. Mr. Riegler confirmed that a right-turn lane was proposed and that right-turn at the red light would be permitted. Commissioner Ulfelder asked what, if anything, an analysis for that intersection demonstrated in terms of 40 new homes exiting from that intersection. Mr. Riegler explained that the traffic would be incrementally improved by the proposed turn lane. Addressing Ms. Falck's concerns, Mr. Riegler noted that the applicant committed in the proffers to review the traffic signal timing.

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 case.

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

Commissioner Hurley: Thank you Mr. Chairman. While we have - - while I have heard very little opposed to the project overall tonight, because of this significant question about whether the road should connect or not - and I understand that the applicant is willing to go either of - any of the three options, but I think we have enough to talk about here that we - I - - Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY WITH THE RECORD TO REMAIN OPEN FOR WRITTEN INPUT FOR CASES RZ 2014-BR-007 AND FDP 2014-BR-007 TO A DATE CERTAIN OF 13 NOVEMBER, 2014.

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 only on RZ and FDP 2014-BR-007 to a date certain of November 13<sup>th</sup> with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

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Since the following case was in the Springfield District, Vice Chairman de la Fe assumed the chair.

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RZ/FDP 2014-SP-005 – CHRISTOPHER LAND, LLC – Appls. to rezone from R-1 to PDH-2 to permit residential development with an overall density of 1.55 DU/AC and approval of the conceptual and final development plans. Located on the E. side of Gambrill Road, approx. 750 ft. N. of its intersection with Pohick Road, on approx. 4.51 ac. of land. Comp. Plan Rec: 2-3 du/ac. Tax Map 98-1 ((1)) 44.

E. John Regan, Applicant’s Agent, Christopher Land, LLC, reaffirmed the affidavit dated August 12, 2014.

There were no disclosures by the Commissioners.

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 RZ/FDP 2014-SP-005.

Commissioner Ulfelder referenced Proffer Number 9, Abandonment, and asked for confirmation that public water/sewer would be available on the site. Mr. Gorney confirmed that they would.

Clark L. Massie, Applicant’s Agent, Christopher Land, LLC, concurred with the staff’s presentation and provided a brief history of the property. He added that the applicant had originally proposed 13 single family detached dwellings, later reduced to the proposed 7 dwellings, and also noted that a stormwater management pond would be provided within the resource protection area (RPA). He added that he had met with the community at a meeting in March, during which residents had expressed concerns about compatibility, density, and transportation and environmental impacts. He said that the proposal was subsequently modified to its current planned development (PDH-2) for 7 homes at a density of 1.55 dwelling units per

acre. He added that he worked very closely with the Virginia Department of Transportation (VDOT) and Fairfax County Department of Transportation (FCDOT) to provide an additional turn lane on Gambrill Road, which would be widened to accommodate the lane. With regard to the environmental impacts, he stated that he had worked with the Fairfax County Department of Public Works and Environmental Services (DPWES) and the county's Urban Forester to ensure the least amount of impact. He added that two infiltration trenches would be provided as well as a conservation easement, and stated that a reforestation plan would be provided to reduce runoff to a level below that of the predevelopment peak flow. He stated that the proposal addressed the community's concerns and minimized the environmental impacts and requested approval of the application.

Commissioner Sargeant asked Mr. Massie if the applicant might consider further widening the turning radius of the cul-de-sac. Mr. Massie explained that the lot sizes would be reduced if the radius were widened and pointed out that the proposed knee wall along the rear lot lines of Lots 4 through 7 established the resource protection line, which added another constraint. When Commissioner Sargeant asked if the new homeowners association (HOA) would be responsible for the knee wall's maintenance and repair, Mr. Massie said yes. Commissioner Sargeant expressed concern about the maintenance costs incurred by the HOA and asked if the applicant would provide initial funding for it. Mr. Massie confirmed that a reserve fund of \$7,000 would be established.

Vice Chairman de la Fe called for speakers from the audience and recited the rules for testimony.

Walter Okon, 7699 Middle Valley Court, Springfield, noted that he represented the Middle Valley Woods Neighborhood Residents and Civic Association and stated that they were opposed to the application. He said that Gambrill road was old and could not handle the existing traffic, let alone the additional traffic incurred by the proposed development. He also noted that although the speed limit was 35 miles per hour (mph), traffic often went 50 mph with the help of the road's incline and lack of traffic lights. He expressed concern about visibility because of a crest on Gambrill Road at the access to the new development that could prevent travelers from seeing vehicles entering/exiting the new development. In addition, he stated that the traffic generated by the new development would exacerbate environmental impacts caused by two other nearby developments on Middle Run Stream. He further added that flooding had increased to the point where the stream now flooded during every major storm event.

Commissioner Hall asked Mr. Okon where he lived in relation to the subject site. Mr. Okon indicated the location of his residence on a Fairfax County tax map provided by county staff.

Commissioner Hall asked Mr. Gorney if the zoning of the surrounding neighborhoods was similar to that of subject site. Mr. Gorney said yes, noting that most of the developments were developed at two to three dwelling units per acre, or R-3, with one exception being zoned at one per acre, or R-1. He added that approximately 40 percent of the subject site was RPA while 10 percent was environmental quality corridor (EQC), which left 50 percent of the lot open for development.

Commissioner Hall told Mr. Okon that it would be unfair to make the applicant develop at a lower density than the surrounding neighborhoods.

Commissioner Sargeant asked Mr. Gorney if the site currently contributed to stormwater drainage on other sites. Mr. Gorney explained that the site currently had no stormwater controls and was heavily forested, and said that it added nothing to other properties.

Susan Miglin, 8477 Middle Run Drive, Springfield, commended the applicant for working closely with the residents to reduce the number of dwellings. She reiterated the concerns

regarding the traffic on Gambrill Road and visibility at the access to the site because of the crest in the road. In addition, she requested a traffic impact study for Gambrill Road.

Robert Miglin, 8477 Middle Run Drive, Springfield, said that he had attended several meetings held by the applicant and echoed the previous speaker's remarks regarding the applicant's responsiveness to the residents' concerns. He noted that he was in favor of the application, but expressed concern about traffic on Gambrill Road.

There being no more speakers, Vice Chairman de la Fe called for a rebuttal statement from Mr. Massie, who pointed out that the existing single-family detached house on the site had been there since 1946, long before the higher-density surrounding communities were built. He acknowledged the traffic issues on Gambrill Road and stated that the proposed use would generate approximately 60 vehicle trips per day, which equated to less than one-tenth of one percent of the existing traffic on the road. He added that the road would be widened with the left turn lane into the site, which would help to mitigate the traffic impacts. Additionally, he noted that the applicant would provide two infiltration trenches to prevent water from draining into the nearby stream or the surrounding areas.

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

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Vice Chairman de la Fe: I will close the public hearing. Mr. Murphy.

Commissioner Murphy: Thank you, Mr. Chairman. First, I want to thank Joe Gorney, who did an excellent job shepherding this through the process with the staff, as was mentioned. And Mr. Okon knows that I'm going to disagree with him. This ain't going to remain R-1 when you're living in a much higher density area, even though if this plan is improved - - approved, it is - - by the Board of Supervisors, it's going to be less dense than where you live. And it started off with 13 townhouses with a density of 2.88 dwelling units per acre. It's down to seven homes, single-family detached, with a density of 1.55. You're not going to get that kind of deal in many areas of Fairfax County when you're talking about this kind of rezoning application on this road at this location. It has a very comprehensive package of proffers to include stormwater management proffers, eight proffers on tree preservation, a forest restoration plan, road improvements, and sidewalks. It's a totally good - - it's a very difficult piece of land, I'll grant you; but, the way it has been addressed by the applicant, it is extremely a good application now. And I appreciate Joe and the applicant and the citizens working on this resolution to this. So therefore, Mr. Chairman,

I MOVE THAT THE PLANNING COMMISSION recommend approval – RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE RZ 2014-SP-055 [*sic*], SUBJECT TO THE EXECUTION OF THE PROFFERS DATED OCTOBER 22<sup>ND</sup>, 2014.

Commissioners Hall and Sargeant: Second.

Vice Chairman de la Fe: Seconded by Mrs. Hall and Mr. Sargeant. Any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Mr. Murphy.

Commissioner Murphy: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2014-SP-005, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED OCTOBER 24<sup>TH</sup>, 2014, AND THE BOARD'S APPROVAL OF THE REZONING AND THE CONCEPTUAL DEVELOPMENT PLAN.

Commissioners Hall and Sargeant: Second.

Vice Chairman de la Fe: Seconded by Mrs. Hall and Mr. Sargeant. Any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Mr. Murphy.

Commissioner Murphy: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO APPROVE A MODIFICATION OF THE PUBLIC FACILITIES MANUAL TO ALLOW CONSTRUCTION OF A CUL-DE-SAC WITH A RADIUS OF 30 FEET, AS SHOWN ON THE CDP AND FDP.

Commissioners Hall: Second.

Vice Chairman de la Fe: Seconded by Mrs. Hall.

Commissioner Hall: Sorry, but I'm tired.

Vice Chairman de la Fe: Any discussion? Hearing and seeing none, all those in favor please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Commissioner Murphy: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS TO DIRECT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO APPROVE A MODIFICATION OF THE PUBLIC FACILITIES MANUAL TO ALLOW CONSTRUCTION OF SIDEWALKS ON ONE SIDE OF THE CUL-DE-SAC IN FAVOR OF THE LANDSCAPE TREATMENT AND TRAIL CONNECTION, AS SHOWN ON THE PROPOSED CDP/FDP AND AS CONDITIONED.

Commissioners Hedetniemi and Sargeant: Second.

Vice Chairman de la Fe: Seconded by Ms. Hedetniemi and Mr. Sargeant. Any comments? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Each motion carried by a vote of 10-0. Commissioners Hart and Lawrence were absent from the meeting.

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The Commission went into recess at 10:48 p.m. and reconvened in the Board Auditorium at 11:03 p.m.

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Chairman Murphy resumed the chair.

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RZ/FDP 2014-BR-009 – NCL XI, LLC – Appls. to rezone from R-1 to PDH-3 to permit residential development with an overall density of 2.1 du/ac. and approval of the conceptual and final development plans. Located on the N.W. quadrant of the intersection of Zion Dr. and Guinea Road on approx. 8.08 ac. of land. Comp. Plan Rec: Residential. Tax Map 77-2 ((1)) 14.

Frank Stearns, Esquire, Donohue & Stearns, LLP, reaffirmed the affidavit dated September 29, 2014.

There were no disclosures by the Commissioners.

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 2014-BR-009.

Commissioner Ulfelder referenced Proffer Number 35, Historic Post Office, and wanted to know whether the Burke Historic Society was satisfied with the terms of the proffer. Mr. O'Donnell confirmed that they were comfortable with the terms set forth in the proffer as well as the amount the applicant offered in relocation fees. When Commissioner Ulfelder asked whether a site had been selected, Mr. O'Donnell said no.

Commissioner Migliaccio referenced Proffer Number 15, Pedestrian Beacon, and asked if Virginia Department of Transportation's (VDOT) approval was required for the signal. Mr. O'Donnell confirmed that it was.

Referencing Proffer Number 7, Disclosure, Commissioner Sargeant asked if staff considered the applicant's proposed reserve fund amounts to be adequate. Mr. O'Donnell stated that the amount was more than enough.

Gary Garczynski, President, NCL XI, LLC, thanked Commissioner Hurley, county staff, and the residents in Braddock District for their cooperation in providing a plan that was compatible with the single-family detached communities lining Zion Road. He added that the proposal provided an access desired by the neighbors, pedestrian lighting for the trail crossing Guinea Road, and the capability for development of the two neighboring properties. In addition, he stated that the applicant proposed to work with the preservation efforts of the historic society. He requested that the Planning Commission recommend approval of the applications.

Mr. Stearns added that the applicant had attended two community organizational meetings arranged by Braddock District Supervisor John Cook, two Braddock District Land Use Committee meetings, and several meetings with Commissioner Hurley and county staff. Consequently, he stated that not only were the proffer commitments worked out, but the applicant had worked closely with the owner of Parcel 15, adjacent to the subject site, to allow her to develop her property when she was ready. He also noted that the applicant had arranged for a traffic consultant to contact VDOT about the pedestrian crossing to ensure that it met the required standards, adding that the applicant continued to work with the Burke Historic Society with regard to the Post Office Building's relocation.

Commissioner Sargeant referenced the Stormwater Management paragraph on page 6 of the staff report and asked about the rooftop systems that were mentioned. John Levto, P.E. senior project manager, Christopher Consultants, Civil Engineer for the application, explained that the applicant would provide a rooftop disconnection, not a stormwater system on a rooftop. He said the disconnect would allow water to discharge from the roof and then onto dry land into a nearby RPA, for which the applicant would receive credit. Commissioner Sargeant suggested that the applicant make that more clear for the record.

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 Hurley for action on this item.

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

Commissioner Hurley: Thank you Mr. Chairman. This case is an example of how the system can work, even when at first the challenges seem insurmountable. I must compliment first the current owners of the land whose family built the existing 1880s farmhouse. For decades, the family has provided a home for the historic Burke Post Office that the applicant is offering to move a second time to a new location. The farmland surrounding the house was developed decades ago and the neighbors of the – these few remaining acres include not only townhouses and houses, but also a Target store, an electrical substation, even a VRE station. I must next compliment the applicant on their willingness to work through all the community concerns. I am aware of ongoing discussions with the neighbors to the north regarding potential additional consolidation including, at a minimum, membership in a joint HOA. In a win for everyone, the applicant has agreed to enlarge its planned stormwater capacity to assist these neighbors to the north so that they can develop their property at some future date. In return, future Burke Junction residents of this property will access their property with a single access onto Zion Road that will align with Hilliard Lake Road, as stated in the Comprehensive Plan, and thus both meeting VDOT standards and promoting safer traffic for everyone who uses Zion. The applicant has worked very hard to address all staff and community concerns. The proposed development is at the low end of the density range allowed. In the last proffer change – the very last one – the pedestrian crossing was mentioned that their motion to install had been modified so that it will not flash all night long. Could be annoying. I have already mentioned the \$10,000 that the applicant has committed to moving the historic Burke Post Office a second time to a new location. In addition, the applicant will not only have the 125-year-old farmhouse documented prior to destruction, but also for a month prior to destruction, will grant access to representatives of the Burke Historic District to remove any and all desired fixtures from the house as well as vegetation from the grounds. The Braddock Land Use Committee approved this application unanimously. Their intensive involvement in the project has been especially noteworthy and I particularly commend the subcommittee members Terri Wambaugh, Jeanne Kadet, and Jill Hilliard. Their subcommittee report is so extensive, so well-researched, and so well-prepared that many localities across the nation might use this an example for staff reports. Last, and certainly not least, I commend the Fairfax County staff members who have scrutinized and reworked the eventual development of this parcel for years. Coordinated by Billy O'Donnell, we now have a package that, as I stated at the beginning, is an example of how the system can work, even when at first the challenges seemed insurmountable. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2014-BR-009, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED 31 OCTOBER, 2014.

Commissioners Hedetniemi and Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2014-BR-009, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Second, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2014-BR-009, SUBJECT TO THE BOARD'S APPROVAL OF THE CONCURRENT REZONING APPLICATION.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to approve FDP 2014-BR-009, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE 600-FOOT MAXIMUM LENGTH FOR A PRIVATE STREET.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE MINOR PAVED TRAIL REQUIREMENT IN FAVOR OF THE PROPOSED NETWORK ON THE CDP/FDP.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Hurley: and finally I –

Chairman Murphy: Motion carries.

Commissioner Hurley: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF DPWES TO PERMIT A DEVIATION FROM THE TREE PRESERVATION TARGET

PERCENTAGE IN FAVOR OF THE PROPOSED LANDSCAPING SHOWN ON THE FDP/CDP, AS PROFFERED.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 10-0. Commissioners Hart and Lawrence were absent from the meeting.

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RZ/FDP 2014-PR-004 – AMHERST PROPERTY, LLC – Appls. to rezone from C-3 to PTC to permit mixed use with an overall density of 1.8, which includes bonus density for workforce housing, approval of the conceptual and final development plans, and a waiver, # 25530-WPFM-001-1, to permit the location of underground stormwater management facilities in a residential area. Located W. of Jones Branch Dr., approx. 400 ft. N. of its intersection with Westpark Dr., on approx. 5.75 ac. of land. Comp. Plan Rec: Mixed Use and park/open space. Tax Map 29-4 ((7)) 6 and 7B pt. (Concurrent with PCA 88-D-005-08.)

PCA 88-D-005-08 – AMHERST PROPERTY, LLC – Appl. to amend the proffers for RZ 88-D-005 previously approved for office use to permit deletion of land area and associated modifications to proffers and site design with an overall Floor Area Ratio (FAR) of 1.8, which includes bonus density for workforce dwelling units. Located W. of Jones Branch Dr., approx. 400 ft. N. of its intersection with Westpark Dr., on approx. 5.75 ac. of land zoned C-3. Comp. Plan Rec: Mixed Use and park/open space. Tax Map 29-4 ((7)) 6 and 7B pt. (Concurrent with RZ/FDP 2014-PR-004.)

Elizabeth Baker, Land Use Coordinator, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated October 17, 2014.

There were no disclosures by the Commissioners.

Suzanne Wright, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of applications RZ/FDP 2014-PR-004 and PCA 88-D-005-08.

Commissioner Hedetniemi asked Ms. Baker to explain how the applicant proposed to raze the building and handle the subsequent debris and noise.

Ms. Baker noted that this was a small proposal in comparison to others in the Tysons area. She noted that the site's redevelopment would be the first in a succession that would lead to a larger mixed use development transforming an existing office use into a residential mixed use community. She added that workforce housing was included, in addition to a robust transportation demand management (TDM) program. She pointed out that the applicant had committed to joining the Tysons-wide Transportation Management Association (TMA), and could thereby coordinate better with its neighbors on the grid of streets. Additionally, she noted that there would be an athletic field contribution in conformance with Comprehensive Plan guidelines. She said that the proposal met all of the expectations for Tysons and requested the Commission's recommendation.

When Commissioner Hedetniemi reminded Ms. Baker of her earlier question regarding the building destruction and the debris, Ms. Baker confirmed that the building would be torn down in accordance with a construction management plan that would be submitted by the applicant, pointing out that since the adjacent building was occupied, it was imperative that the applicant maintain the construction site without negative impacts.

Commissioner Sargeant commended the applicant on its TDM approach and asked how it correlated to the proffers. Ms. Baker explained that the applicant would contribute to the Tysons-wide TMA. She pointed out, however, that prior to the Tysons TMA's formation, the applicant had already begun speaking with Arbor Row about their existing TDM program and intended to join with Arbor Row. She also stated that in the event that things did go as planned, the applicant would still commit to a standard TDM proffer, noting that the desired goal was the same.

There was a brief discussion between Commissioner Flanagan and Ms. Baker regarding the current site and the existing vegetation.

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 Hedetniemi for action on this item.

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

Commissioner Hedetniemi: Thank you Mr. Chairman. The transportation staff member, Jeff, has been very patient and I had him lined up to talk more about the TMD program, but I think everyone has covered that very adequately. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 88-D-005-08.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to approve PCA 88-D-005-08, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hedetniemi: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2014-PR-004, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED OCTOBER 8<sup>TH</sup>, 2014.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2014-PR-004, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hedetniemi: Before I make the motion on the Final Development Plan, does the applicant agree with the proposed development conditions dated November 4<sup>th</sup>, 2014?

Elizabeth Baker, Land Use Planner, Applicant's Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Yes, we do.

Commissioner Hedetniemi: Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2014-PR-004, SUBJECT TO DEVELOPMENT CONDITIONS DATED NOVEMBER 4<sup>TH</sup>, 2014, AND SUBJECT TO THE BOARD'S APPROVAL OF THE REZONING.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Discussion? All those in favor of the motion to approve FDP 2014-PR-004, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hedetniemi: Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE

MODIFICATIONS AND WAIVERS AS LISTED ON THE COVER SHEET OF THE  
OCTOBER 15, 2014, STAFF REPORT, WHICH IS PART OF THE RECORD OF THIS CASE.

Commissioner Litzenberger: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Each motion carried by a vote of 10-0. Commissioners Hart and Lawrence were absent from the  
meeting.

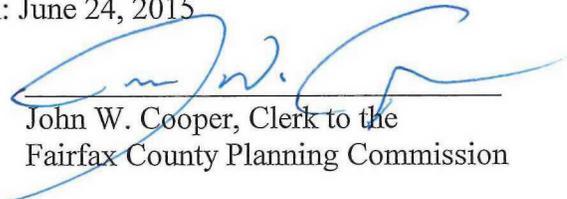
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The meeting was adjourned at 11:41 p.m.  
Peter F. Murphy, Chairman  
Janet R. Hall, Secretary

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: Jeanette Nord

Approved on: June 24, 2015

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