

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, DECEMBER 5, 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  
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  
Ellen J. Hurley, Braddock 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

Chairman Murphy announced that tonight would be the Planning Commission's final meeting for 2013. He then pointed out the challenges that the Planning Commission had faced throughout the year, noting numerous changes to the Commission's staff. He recognized Director, Jill Cooper; Deputy Director, Kim Bassarab; Clerk to the Commission, John Cooper; Deputy Clerk, Jeanette Nord; Associate Clerk, Jacob Caporaletti; Communication Specialist, Regina Stewart; and Planning Technician, Toni Denson for their contributions to the Planning Commission and the public. In addition, he thanked Barbara Lippa, former Director of the Planning Commission Office, who retired earlier in 2013, but remained with the Commission to assist with personnel changes. He then thanked the Commissioners and recognized the work of the Committees, noting the upcoming challenges in 2014 involving the Fairfax Forward Work Program and the Zoning Ordinance Amendment for Residential Studio Units.

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Chairman Murphy announced that Dranesville District Commissioner Jay Donahue would be leaving the Planning Commission, noting that his final meeting would be Thursday, January 16, 2014. He indicated that the Board of Supervisors was in the process of appointing a replacement who would be sworn in after Commissioner Donahue's departure.

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Chairman Murphy recognized Kris Abrahamson, Megan Duca, and the staff of the Department of Planning and Zoning for their work with the Planning Commission. He also recognized the Fairfax County Department of Transportation, the Fairfax County Park Authority, and various other County agencies that also contribute to the Commission and the land use process.

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Chairman Murphy recognized the contributions of the staff and crew for Fairfax County's Channel 16, noting that Channel 16 had recently been received an award for overall excellence by the Alliance for Community Media and Hometown Media for two programs relating to environment and stormwater management. In addition, he said that Channel 16 had also received the Golden Gavel award from the Fairfax Law Enforcement Foundation.

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Chairman Murphy stated that in accordance with the Planning Commission's bylaws the election of Planning Commission Officers would take place on Wednesday, January 15, 2014, and Commissioner Sargeant would administer this process.

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On behalf of Commissioner Migliaccio, Commissioner Hart stated that the applicant for RZ 2013-LE-013, Eastwood Properties Inc., had requested more time to resolve some outstanding issues with staff; therefore, he MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON RZ-2013-LE-013, EASTWOOD PROPERTIES, INC., TO A DATE CERTAIN OF THURSDAY, JANUARY 16, 2014.

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

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Commissioner de la Fe said that more time was needed for staff and the Hunter Mill District Supervisor's Office to review the comments received regarding ST09-III-UP1 (A); therefore, he MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON ST09-III-UP1 (A), A COMPREHENSIVE PLAN AMENDMENT REGARDING THE RESTON TRANSIT STATION, TO A DATE CERTAIN OF THURSDAY, JANUARY 9, 2014, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

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

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY ON SE 2013-DR-001, TD BANK, NATIONAL ASSOCIATION, TO A

DATE CERTAIN OF THURSDAY, JANUARY 9, 2014, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Hedetniemi seconded the motion which carried by a vote of 9-0-1. Commissioner Hart abstained. Commissioners Hurley and Migliaccio were absent from the meeting.

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FS-M09-129-13 – CLEARWIRE C/O SAC WIRELESS, 5600 Columbia Pike

Chairman Murphy MOVED THAT CONSENT AGENDA ITEM, FS-M09-129-13, BE APPROVED.

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

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FS-M13-85 – VERIZON WIRELESS, I-495 & Little River Turnpike

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY COLOCATION PROPOSED BY VERIZON WIRELESS LOCATED IN A VIRGINIA POWER/VIRGINIA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY, TAX MAP 59-4, IN ANNANDALE, VIRGINIA, IS IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND THEREFORE SHOULD BE CONSIDERED A “FEATURE SHOWN,” PURSUANT TO *VIRGINIA CODE* 15.2-2232, AS AMENDED.

Commissioner Hart seconded the motion which carried by a vote of 9-0-1. Commissioner Sargeant abstained. Commissioners Hurley and Migliaccio were absent from the meeting.

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. RZ/FDP 2013-HM-012 – SEKAS HOMES, LTD.

This order was accepted without objection.

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RZ/FDP 2013-HM-012 – SEKAS HOMES, LTD. – Appls. to rezone from R-1 to PDH-2 to permit residential development with a total density of 1.66 du/ac and approval of the conceptual and final development plans. Located approx. 400 ft. N. of the

intersection of Old Courthouse Rd. and Besley Rd. on approx. 5.43  
ac. of land. Comp. Plan Rec: 1-2 du/.ac. Tax Map 28-4 ((8)) 3, 4,  
5, 6, and 7; 28-4 ((9)) A. HUNTER MILL DISTRICT. JOINT  
PUBLIC HEARING

Kelly Atkinson, AICP, Agent for the Applicant, Land Design Consultants, Inc., reaffirmed the affidavit dated October 29, 2013. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a case in which a client hired Matthew Marshall, who was listed in the affidavit as an agent for the applicant of Ms. Atkinson's firm, as a consultant. However, he indicated that this matter concluded over a year ago in September 2012 and there was no ongoing business or financial relationship; therefore, it would not affect his ability to participate in this public hearing.

Commissioner de la Fe announced his intent to deter the decision only on these applications after the close of the public hearing.

Megan Duca, 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 2013-HM-012.

Ms. Atkinson stated that the applicant had been approached by the owners of the subject property to purchase and redevelop the site. She then explained that the proposal was to rezone the subject property from an R-1 District to a PDH-2 District to permit the construction of nine single-family detached dwelling units. She also pointed out that the Comprehensive Plan recommended a density of one to two dwelling units per acre on the site and the density of the proposed development would be 1.66 dwelling units per acre. Ms. Atkinson said that the applicant had originally proposed 10 dwelling units at a density of 1.84 dwelling units per acre wherein four lots would be accessed by a proposed private street on the western side of the site and six lots would be accessed by another private street on the eastern side of the property. However, she indicated that after meeting with the community, the applicant revised the proposal to remove one of the dwelling units and the private street on the eastern side of the property. In addition, she noted that the applicant also relocated the proposed stormwater management facilities and water line extension on the site to avoid disturbing an Environmental Quality Corridor (EQC). Ms. Atkinson described the layout of the proposed lots on the site, saying that it was similar to the nearby Spring Lake community. She pointed out the location of the lots along Tetterton Avenue and Besley Road to indicate that despite the applicant's efforts, the proposal did not have the full support of the surrounding community. She noted that while the applicant had received some letters of support for the subject applications, some members of the community favored developing the property by-right with six dwelling units. Ms. Atkinson described how the proposed dwelling units would be compatible with the surrounding community, stating that the architecture of the proposed dwelling units would be consistent with the existing units in the adjacent lots. She added that the front and side setbacks for lots five through nine, which fronted on Besley Road and Tetterton Avenue, were established to ensure that they were consistent with R-2 District requirements. In addition, she said that some lots would be smaller than those in the neighboring lots, but explained that this was necessary because of the EQC and tree preservation requirements on the site. Ms. Atkinson added that the Comprehensive Plan recommended that new developments should conserve environmental resources, pointing out that the site did not

contain flood plains, stream valleys, wetlands, or Resource Protection Areas (RPA). However, she indicated that the subject property contained an intermittent channel that was part of the Wolf Trap Creek Flood Plain. She also noted that the area around this channel contained steep slopes and dense vegetation. She then stated that the proposal would preserve these features and the riparian buffer adjacent to the channel. Ms. Atkinson said that a portion of the subject property had been designated as an EQC and the applicant would also create a conservation easement to ensure it would be undisturbed, noting that this would not occur with a by-right development. She also stated that the applicant would provide a pedestrian connection along Tetterton Avenue. In addition, she pointed out that the proposal's stormwater management provisions included on-site facilities such as two infiltration trenches, one rain garden, and conservation easements. She then indicated that these facilities would be tested to ensure their effectiveness. Ms. Atkinson stated that there were flooding issues along Old Courthouse Road, but this issue was not related to the proposal, noting that stormwater runoff was currently flowing from the subject property untreated and the subject applications would improve this situation. She added that the applicant would preserve 1.67 acres of open space, about half of which would be dedicated as a conservation easement. She also indicated that the applicant would extend and construct public water along Tetterton Avenue and Besley Road, complete a pedestrian connection along Tetterton Avenue, provide on-site stormwater management, preserve significant tree cover and steep slopes, and provide approximately \$145,000 in proffer contributions at the time of subdivision plan approval.

Commissioner Hart said that he had been informed that Parcels A, B, and C would be managed by the homeowners association established for the proposed development. He noted that Proffer Number 2, Homeowner Association, and Proffer Number 5, Tree Preservation, in Appendix 1 of the staff report referenced the conveyance of Parcels A and C. He also stated that Proffer Number 6b, Stormwater Management, indicated that the homeowners association would pay for the construction and maintenance of the stormwater management facilities. In addition, he pointed out that there was no similar reference for Parcel B. Commissioner Hart then stated that the proffer language did not sufficiently articulate that Parcels A, B, and C would be maintained by the homeowners association and suggested that the language be modified accordingly during the deferral period, noting that additional maintenance could be necessary for these parcels. Ms. Atkinson agreed to make these modifications.

Referring to the last sentence in Proffer Number 3b, Transportation, Commissioner Hart asked what the dimensions were for garages designed to accommodate two vehicles. Ms. Atkinson said that these garages would be 20 by 20 feet.

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

Louise Armitage, 1775 Proffit Road, Vienna, spoke in opposition to the proposal. She described the existing Spring Lake neighborhood, saying that it contained mature trees and an RPA. She indicated that the large lots were necessary for this neighborhood because they were not connected to public utility infrastructure and relied on wells and septic systems. She then expressed concern that the proposed development would increase the amount of impervious surface in the area, which would negatively impact the groundwater supplies and damage the well water in the area. Ms. Armitage also said the increase in the amount of impervious surface would negatively impact stormwater runoff and that the proposal's stormwater management

provisions were insufficient. In addition, she stated that an increase in impervious surface would worsen the existing flooding issues along Old Courthouse Road. She pointed out that the proposal would increase traffic along Old Courthouse Road, which was already expected to grow due to increases in tolls for the Dulles Toll Road. Ms. Armitage described the intermittent channel and the slope of the property, noting the difficulty of developing the area. She also said the quality of the existing trees on the property and the proposal would incur excessive loss of mature trees, noting the importance of tree preservation in the area. Ms. Armitage also stated that the proposed development would not be consistent with the character of the surrounding community, saying the lots on the subject property were too small compared to those of existing neighborhood. She then cited another development by the applicant along Old Courthouse Road that was similar to the proposal and noted its incompatibility with the surrounding area.

Jeanne McVey, 1645 Besley Road, Vienna, voiced opposition to the subject applications because it was not consistent with the Comprehensive Plan. She pointed out that her written statement included a petition articulating her community's opposition to the proposal. She noted the importance of the Difficult Run Watershed that ran through the area. She also explained that the Comprehensive Plan recommended that low-density development be maintained in portions of the Vienna Planning District that drained into this watershed with an emphasis on pollution control, reclamation, and preservation. Ms. McVey said that the applicant had not sufficiently justified increasing the density on the subject property. She pointed out that the Comprehensive Plan recommended a density of one to two dwelling units per acre for the site and indicated that she favored developing the site by-right. She then asked if staff and the Commission was aware that the applicant had acquired the parcels on the subject property after another development in the adjacent community along Drewlaine Drive had been denied, stating that this should be taken into consideration. In addition, Ms. McVey cited another proposal in 2007 in the area that would have rezoned an R-1 property to R-2 that staff did not support because it was not consistent with the surrounding community. She pointed out that the proposal should be denied for the same reason, stating that the proposed development would not be consistent with the rural character of the neighborhood. In addition, she noted the importance of preserving this rural character as the surrounding area was developed. (A copy of Ms. McVey's statement is in the date file.)

Chairman Murphy indicated that the Planning Commission could not consider previous applications that had been denied when judging the subject applications.

Christopher Moore, 1712 Besley Road, Vienna, voiced opposition to the proposal, echoing previous remarks regarding its incompatibility with the surrounding neighborhood. He pointed out the location of his property, which was located adjacent to the site. He then noted the consistency in the existing zoning of the properties along Besley Road, adding that changes in zoning were often applied to a subdivision as a whole to ensure this consistency. He said that other developments by the applicant had maintained this consistency, citing examples of consistent R-1 zoning along Besley Road. Mr. Moore also indicated that the zoning in this area was unlikely to change and pointed out the location of an RPA, which would further limit future rezoning in the area to make the proposal more consistent with the surrounding zoning. He then described the zoning along Old Courthouse Road, noting the inconsistencies of the zoning in this area. He stated that the proposal would create a similar inconsistency in zoning that would not be visually appealing and negatively impact the land value of the surrounding community. In

conclusion, he encouraged the Commission to maintain consistent zoning in the area. (A copy of Mr. Moore's statement is in the date file.)

Richard Hatheway, 1723 Besley Road, Vienna, spoke in opposition to the proposal because of concerns about the density of the proposed development and its impact on Besley Road. He described the current density of the southern portion of the site near his property, saying that it contained two lots with two dwelling units. He then indicated that the proposal would construct four dwelling units on these lots and such density would be inconsistent with the character of the surrounding neighborhood. In addition, he said that the increase in density would negatively affect the rural character of the community. He stated that he favored maintaining the current zoning of the site.

Robert Voas, 1766 Proffit Road, Vienna, spoke in opposition to the subject applications, echoing remarks by previous speakers regarding incompatibility with the character of the surrounding community. He pointed out that the Spring Lake community had maintained a rural character since its founding and most of the lots were zoned R-1. He described the character of the community, noting that it also accommodated a trail between Vienna and Route 7. Mr. Voas then described the trail, pointing out the recreational amenities along the way and its proximity to Wolf Trap. He stated that the Spring Lake community helped protect this trail. In addition, he described dwelling units along Proffit Road, noting that the road was narrow and the design of the dwelling units were different than those proposed in the subject applications.

Robert Russell, 9329 Old Courthouse Road, Vienna, voiced opposition to the proposal because the stormwater management provisions were insufficient. He expressed concern about the criteria the applicant had utilized for 100-year storm events, saying that these storms were occurring with greater more frequently. In addition, he pointed out the existing flooding issues in the area. He also expressed concerned about the criteria for a 100-year storm event, noting that such a storm had occurred recently. Mr. Russell stated that the infiltration trenches on the subject property were insufficient and cited another infiltration trench in the area that had failed. He then described the consequences of failed infiltration trenches, stating that the excess stormwater runoff would negatively affect the dwelling units along Besley Road. Referring to Public Facilities Manual (PFM), Mr. Russell highlighted the following sections:

- Section 6-0100.1, which required the applicant to meet or exceed the applicable laws regarding stormwater drainage;
- Section 6.0201.1, which required that measures for the adequate drainage of surface waters be taken and that facilities be provided in connection with all land development activities to protect and conserve the land and water resources;
- Section 6.0201.2, which stated that adequate drainage of surface waters meant the effective conveyance of storm and other surface waters through and from the development site and the discharge of such waters into a natural watercourse;
- Section 6.0201.3, which required that concentrated stormwater runoff leaving a development site be discharged directly into adequate natural or man-made receiving

channels and a drainage system satisfactory to the Director of the Department of Public Works and Environmental Services (DPWES) be provided to preclude an adverse impacts on properties located downstream; and

- Section 6-0204.1B(5), which required the applicant to provide sufficient information to demonstrate that there would be no flooding of existing dwellings or buildings by the 100-year storm event and any existing flooding condition would not be aggravated by drainage from the development site and a proportional improvement would be made if necessary;

Mr. Russell said that the infiltrations on the site did not meet these PFM standards and he asked that the Commission ensure that these standards were met by the applicant. (A copy of Mr. Russell's statement is in the date file.)

Anthony Dziepak, 1647 Besley Road, Vienna, representing the Spring Lake Association, Inc. (SLA), described the SLA and its bylaws, saying that it was not a homeowners association and that membership was optional. He indicated that the SLA had discussed the proposal, but it had not taken an official position. However, Mr. Dziepak stated that he personally opposed the subject applications. He stated that there would be more clearing and grading under the proposal compared to a by-right development, which would also result in less tree preservation. In addition, he said that the proposed cul-de-sac would have a greater impact on the land compared to a by-right development. Mr. Dziepak also pointed out that the size of the proposed lots on the site would be considerably smaller than the surrounding lots. Referring to page 9 of the staff report, he stated that the average size of the lots for the proposed development was 18,044 square feet and the average size of the surrounding lots was 53,760 square feet. In addition, he indicated that most of the lots on the site were not adjacent to the lots at the neighboring Manors at Wolftrap community. In addition, Mr. Dziepak echoed previous remarks regarding the proposal's inconsistency with the character of the surrounding community, noting that the Spring Lake community maintained a rural character. He then described the features of the existing dwelling units around the subject property. He also pointed out that the proposed development included a mandatory homeowners association, which differed from the optional community association for the surrounding community. In conclusion, Mr. Dziepak said that the proposal would significantly contrast with the surrounding neighborhood and was not appropriate for the site.

Answering questions from Chairman Murphy, Ms. Duca confirmed that the Comprehensive Plan recommended R-1 and R-2 zoning with a density of one to two dwelling units per acre for the subject property and the surrounding area. She also confirmed that lots with sufficient acreage in this area could rezone to an R-2 District. In addition, she indicated that there was an R-2 Cluster development located to the east of the site.

Thomas McVey, 1645 Besley Road, Vienna, spoke in opposition to the proposal. He stated that the proposed development would negatively impact the environment of the surrounding area because of its effect on stormwater runoff and wells, adding that Wolftrap Creek was an environmentally protected area. He also pointed out that maintaining the environment of the surrounding area was part of the Residential Development Criteria. Mr. McVey also echoed previous remarks regarding the existing flooding issues along Old Courthouse Road, noting the

frequency of the flooding in the area. He described how the County dealt with these flooding events, stating that it caused significant safety concerns and that the proposal would further aggravate this issue. Mr. McVey echoed previous remarks regarding the incompatibility of the proposed development with the surrounding community, saying that the Residential Development Criteria required that a development be consistent with the neighborhood and the proposed development was too different. In addition, he said that the proposal would excessively fragment the community, which contained primarily large lots.

Carol Moore, 1712 Besley Road, Vienna, voiced opposition to the subject applications. She indicated that she favored retaining the existing R-1 zoning for the site because the Spring Lake community and the areas along Besley Road were environmentally sensitive areas, noting the topography, wildlife, and tree canopy of the area. She also echoed previous remarks regarding the existing flooding issues in the area and said that the proposal would further aggravate this situation. Ms. Moore stated that she had met with the applicant and had been assured that the stormwater runoff generated by the proposed development would be detained on-site, but she noted that she had been visited by a surveyor on Tuesday, December 3, 2013 on behalf of the applicant to take measurements of the stormwater drainage easement on her property. She then indicated that she had been informed that there were plans to reconfigure the easement because the surveyor had told her that they would not be able to accommodate the stormwater runoff in its current condition, thereby conflicting with the applicant's claim that the runoff could be contained on-site. In addition, she pointed out that the applicant was required to contain the stormwater runoff on-site. Ms. Moore stated that she favored constructing fewer homes, which would lessen the environmental impact and generate less stormwater runoff. She described the current effectiveness of the stormwater drainage easement on her property, saying that widening this easement would degrade her property. (A copy of Ms. Moore's statement is in the date file.)

Robert Slahetka, 1689 Drewlaine Drive, Vienna, spoke in support of the application. He noted another development at Wolfrap Downs located near his property and commended the applicant for coordinating with the homeowners on this development. He described the development around the subject property, stating that there was a lack of consistency in the character and design of the dwelling units. Mr. Slahetka commended the applicant's commitment to working with the community and building quality homes. He then indicated that the applicant had been consistent in maintaining tree preservation on properties, citing another nearby development along Old Courthouse Road. In addition, Mr. Slahetka pointed out that the proposed development would ensure greater tree preservation than what would be required if the subject property were developed by-right. He also noted that the provisions of the proposal would ensure that the proposed dwelling units would be consistent with the surrounding community.

Jacqueline Hunt, 1698 Drewlaine Drive, Vienna, spoke in support of the proposal. She described what happened in her community when the applicant sought to redevelop a nearby property, saying that the applicant had diligently coordinated with the community to address their concerns. She noted the changing trends in areas such as Vienna and Tysons Corner, stating that the provisions proposed by the applicant would redevelop the subject property in a manner that was considerate of the surrounding community.

Chairman Murphy called for speakers from the audience.

William Cody, 9124 Bois Avenue, Vienna, voiced opposition to the proposal because it was not consistent with the Comprehensive Plan recommendations that a rezoning be consistent with the character of the surrounding neighborhood. He stated that the applicant had not sufficiently justified rezoning the subject property to R-2. He also echoed previous remarks regarding the rural character of the community, saying that the proposal would undermine this character.

A discussion ensued between Chairman Murphy, Ms. Duca, and Kris Abrahamson, ZED, DPZ, regarding when the subject property was zoned R-1 wherein Chairman Murphy reiterated that the site was planned for an R-1 or R-2 District.

When Commissioner de la Fe asked what controls would be imposed to mitigate flooding in the area if the site were developed by-right, Aileen Santiago, Site Development and Inspection Division, Land Development Services, explained that the PFM required in a by-right development, to provide an adequate outfall for stormwater runoff, but noted that on-site detention requirements would not apply. She added that a by-right subdivision would require both onsite detention and adequate outfall. A discussion ensued between Commissioner de la Fe and Ms. Santiago regarding which was more stringent wherein Ms. Santiago confirmed that a by-right subdivision would be more stringent, but added that certain infill developments where no additional lots were added would not require on-site detention.

In response to questions from Commissioner de la Fe, Ms. Duca indicated that five dwelling units could be constructed on the subject property by-right, but noted that the applicant would need to demonstrate to DPWES that six dwelling units would be feasible in order to construct an additional unit. Ms. Abrahamson stated that a by-right development would not be required to provide access to public water.

When Commissioner de la Fe asked about the tree preservation provisions that would apply if the site were developed by-right, Hugh Whitehead, Urban Forester II, Urban Forest Management (UFM), DPWES, explained that UFM did not typically review the plan for a by-right development, stating that such a review would be conducted at the discretion of the reviewing engineer. He then indicated that the tree preservation provisions in the Zoning Ordinance would apply for a by-right development. He added that a tree preservation target and a 30 percent tree canopy requirement would have to be met. In addition, he said that a by-right development of the site would not include a conservation easement like the one in the proposal.

A discussion ensued between Commissioner Litzenberger and Ms. Santiago regarding the County's plan to address flooding issues in the Vienna region.

Commissioner Flanagan cited another development where flooding had been a concern and citizens favored retaining an R-1 zoning at the site, noting the amount of tree preservation that the developer had committed to on this development. He then stated that the proposal did not justify a density of 1.6 dwelling units per acre. In addition, he pointed out that the analysis conducted by the Northern Virginia Soil and Water Conservation District in Appendix 7 of the staff report recommended that Lot Number 4 be eliminated to reduce the density to approximately 1.5 dwelling units per acre, which would subsequently improve the applicant's ability to mitigate stormwater on the site. A discussion ensued between Commissioner Flanagan and Ms. Duca regarding staff's consideration of this option wherein Ms. Duca pointed out that

staff's comments on this option was listed on pages 14 and 15 of the staff report. Commissioner Flanagan indicated that he supported pursuing this option.

Responding to questions from Commissioner Hart, Mr. Whitehead clarified that the applicant would be required to meet a 37 percent tree preservation target under this proposal and a 30 percent target if the property were developed by-right. He also indicated that this percentage of the applicant's tree preservation provisions were separate from the tree plantings included in the proposal. He then pointed out that the applicant would plant new trees along the streets and in areas where credit could be granted for energy conservation for the dwelling units. Mr. Whitehead explained that the means of achieving the tree preservation target would be different under a by-right development, stating that there would be uncertainty regarding which trees would be preserved. A discussion ensued between Commissioner Hart and Mr. Whitehead regarding the different tree preservation targets and provisions in a by-right development compared to the proposal.

Commissioner Hart asked staff to respond to Ms. Moore's testimony regarding the surveyor that visited her property and the possibility for off-site construction with the proposal. Ms. Santiago clarified that there would be no off-site construction under the subject applications. A discussion between Commissioner Hart and Ms. Santiago ensued regarding possible changes to the off-site stormwater drainage easement near the subject property.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Atkinson, who yielded to John Sekas, Agent for the Title Owner, representing Sekas Homes, Ltd.

Mr. Sekas commended the residents of the surrounding community for their testimony and coordination for these applications. He described the challenges associated with the subject property, saying that the plan for proposed development had been modified at the request of the surrounding community to reduce the number of lots to nine and align a majority of the dwelling units along Besley Road and Tetterton Road to ensure consistency with the neighborhood. He added that the proposal was consistent with the density recommendations for the site in the Comprehensive Plan. Mr. Sekas stated that the applicant had been approached by the neighborhood to develop the site, noting other nearby dwelling units that the applicant had constructed. He then addressed Commissioner Flanagan's remarks regarding the potential removal of Lot Number 4, explaining that Lot Number 4 was located within an EQC and on a steep slope and added that this would be preserved under the subject applications. Mr. Sekas pointed out that the conservation easement included in the proposal would ensure greater tree preservation on the site, noting the loss of trees on surrounding properties that did not contain such an easement. He echoed Mr. Whitehead's remarks regarding the tree preservation requirement for a by-right development, but indicated that trees could be removed and replanted under such a development. He added that there could be significant tree removal on Lot Number 4 if the site were developed by-right. Mr. Sekas stated that the stormwater runoff from the subject property would not drain onto Old Courthouse Road or aggravate the existing flooding issues in the area, pointing out that it would be channeled towards the Potomac River. He then addressed Mr. Moore's testimony regarding the inconsistent zoning of the subject property compared to the neighboring properties, pointing out nearby areas that had similar variations in zoning compared to the proposal. Mr. Sekas said that the proposal would include sufficient

provisions to develop the subject property effectively, noting the inclusion of universal design and Energy STAR certification for the proposed dwelling units. He also explained that the reason the applicant had pursued a cul-de-sac for a portion of the development was because the Fire Marshal required that there be sufficient space for an emergency vehicle to turn around. In addition, Mr. Sekas stated that including three additional dwelling units would help off-set the costs of the various requirements and commitments of the proposal. He then indicated that he had coordinated with the surrounding neighborhood in making the proposal more acceptable, but reiterated that the proposed development was consistent with the recommendations of the Comprehensive Plan. In addition, he pointed out that the residents of the surrounding properties could request a Comprehensive Plan Amendment to change these recommendations.

When Commissioner Hart asked that the applicant address his concerns regarding possible off-site construction for these applications, Mr. Sekas explained that the applicant was required to prove that there would be sufficient stormwater outfall if a subdivision of the property was pursued. He then said that the applicant instructed engineers to visit the site as part of a flood plain study. Mr. Sekas clarified that the intent of this study was to conduct measurements and not to pursue off-site construction.

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

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ/FDP 2013-HM-012, SEKAS HOMES, LTD., TO A DATE CERTAIN OF THURSDAY, JANUARY 9, 2014, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

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

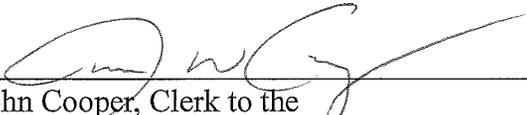
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The meeting was adjourned at 10:08 p.m.  
Peter F. Murphy, Chairman  
Janet R. Hall, Secretary

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 30, 2014

  
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John Cooper, Clerk to the  
Fairfax County Planning Commission