

Planning Commission Meeting  
February 7, 2013  
Verbatim Excerpt

RZ/FDP 2012-SU-010 – NORTHERN VIRGINIA HEALTH INVESTORS, LLC

Decision Only During Commission Matters  
(Public Hearing held on December 5, 2012)

Commissioner Litzenberger: I have a decision only this evening on an elderly care facility in the Sully District and I'm hoping that Mr. Brent Krasner and Ms. Lynne Strobel can come down and give us an update on how things are going. My first question for Mr. Krasner is – was the issue concerning the proffer on the ratings that was expressed by the Health Care Advisory Board resolved?

Brent Krasner, Zoning Evaluation Division, Department of Planning and Zoning: In staff's opinion, yes. We think it has been resolved. We've continued to work with the applicant. And the applicant has actually, in their latest revised set of proffers, has agreed to enact the position – the proffer with that imposition as we discussed, but actually extend it for a five-year period. Originally, it had been three years. And they have now agreed to extend the time that that proffer would be in effect for a full five years. And that satisfies staff's concerns.

Commissioner Litzenberger: And you did run that by the County Attorney?

Mr. Krasner: Yes, the County Attorney has been involved in the discussion. Yes.

Commissioner Litzenberger: So the staff, the County Attorney, and the applicant are in agreement on the health care proffer?

Mr. Krasner: That is correct.

Commissioner Litzenberger: And I believe you've mentioned you might be reaching out to the Health Care Advisory Board for a letter of support?

Mr. Krasner: That is correct. I'm reaching out to – HCAB, of course, has been kept in the loop. But I am reaching out to them, you know, formally to ask if they could provide an updated memorandum that basically states as such that they are comfortable with the revised proffer. And I hope to have that in time to publish with our staff report addendum, which we're targeting to publish next week.

Commissioner Litzenberger: Okay, next week. And how are the negotiations going on at the other points of contention?

Mr. Krasner: Also, I think we've made significant progress with the applicant on some of the issues regarding the berm on Centreville Road, the retaining wall, and some other issues related to the landscape plan – I think we've made some very positive strides. And staff is working

towards an addendum that would support the applicant so we're getting there. We've made good progress.

Commissioner Litzenberger: Okay, great. And Ms. Strobel, how is your applicant's response to the different points of review?

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Thank you, Mr. Litzenberger. I have to really give a lot of credit to my applicant. I think that they have continued to work very hard on this application. They have made a number of changes to the plan, as was described by Mr. Krasner, including working through some of the landscaping details, providing some additional supplemental plantings on the site. They've lowered the height – as you recall, there is a retaining wall that is on the property – they've lowered the height of that. They've shifted the building. They've put a few more spaces underground. They have been back to both West Fairfax as well as the Sully District Council to make sure that they are comfortable with the changes we've made and to give them an update. They continue to support this application. So I think that we're trying very hard to work through staff's remaining issues and I feel hopeful that we'll come to a recommendation of approval.

Commissioner Litzenberger: Okay, great. Thank you very much.

Ms. Strobel: Thank you.

Commissioner Litzenberger: I'm ready to move, Mr. Chairman.

Chairman Murphy: All right, Mr. Litzenberger.

Commissioner Litzenberger: Thanks to the significant progress between staff and the applicant, the applicant has submitted a revised Final Development Plan and proffers to staff on February 5, 2013. In order to give the staff sufficient time to review this new material and publish a staff report addendum, I MOVE THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ/FDP 2012-SU-010 TO A DATE ABSOLUTELY CERTAIN OF FEBRUARY 28, 2013.

Commissioner Flanagan: Second.

Chairman Murphy: Which date?

Commissioner Litzenberger: February 28.

Chairman Murphy: The 28<sup>th</sup>, okay. Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to defer the decision only on these two applications to a date certain of February 28, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

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(The motion carried unanimously.)

JLC