Planning Commission Meeting
September 24, 2009
Verbatim Excerpt

SE 2009-LE-001 – NAZIR A. BHAGAT AND ASHRAF N. BHAGAT

Decision Only During Commission Matters
(Public Hearing held on July 8, 2009

Commissioner Lusk: Mr. Chairman, I have a decision only for a Special Exception application that was heard by the Planning Commission back on July 8th. There is a package of conditions that were presented, and I'd like to just take a second and make this point. The package was provided to the Planning Commission this evening; however, the conditions were provided in advance by the applicant and we also had some of the staff conditions provided in the addendum to the staff report that was done last week. So, all the conditions that were provided in those two documents are now, more or less, amalgamated in this final set, which is dated today, September 24th. So with that, Mr. Chairman - - again, the Planning Commission will recall that we held a public hearing on SE 2009-LE-001 on July 8th. We deferred decision only to this evening. And at that public hearing, we heard from the staff, they had a number of objections to this request to build 32 independent living units on a 6.39-acre parcel that will result in a density of 5.01 dwelling units per acre. The staff raised, again, a number of concerns, and I'll talk through a few of them and then give some of my own thoughts relative to those. The first that staff had a concern regarding the *Additional Standards for Independent Living Facilities* and argued that it requires that such facilities be located on land fronting on or with direct access to a collector road or a thoroughfare. I would posit that this standard was imposed for independent living facilities that were envisioned to have a minimum of 200 units. This project is proposing only 32 units and the current standards were unfortunately not envisioned to address projects of this size. Secondly, I'll note that the language in the standard - - this might be a dangerous thing to say - - does use the conditional word "should" be located on a collector road, which I would interpret to mean that the Commission has the option to impose or not to impose this requirement based on individual circumstances associated with this case. And thirdly and most importantly, the Department of Transportation, in its analysis of this Special Exception, did not raise any concerns with this project not being located on a collector road or near a major thoroughfare. And staff also did not raise any concerns with the traffic that would be generated by this development - - that is the Department of Transportation staff. Second, the staff objected to permitting this independent living facility to allow residents to be as young as 55 years of age. And I know there is a number of folks on this dais who are 55 years and young and then some that are 55 years and younger. So, at the public hearing, Chairman Murphy noted that in the Springfield District, he moved and secured approval of an independent living facility - - it's called "Hidden Brook," and in that project, he actually waived the age requirement. And in fact, there's a second project that it's in Providence District, Saintsbury, it also waived that minimum 62-year age requirement. The staff is concerned that by reducing the age to 55, this action will result in increased vehicular trips to and from the site. Again, looking at the Department of Transportation analysis, they raised no objections regarding traffic generation, and I would say that this concern does not have basis in the way that it has been established by the staff. Third, the staff has also expressed concern about the proximity of community-serving retail uses in relationship to this application property. And we do have a letter that's from the applicant, dated

September 18, 2009, and it basically notes the application property, which we'll call "Walhaven Woods," has within a half-mile distance, two retail centers, a golf driving range, mini golf, miscellaneous retail and medical offices, about a dozen churches, restaurants, and a local school. Again, all within a half-mile radius. I would also further note that this site is uniquely situated in an area that is proximate to the Kingstowne Towne Center, which has extensive retail opportunities, department stores, restaurants, groceries, and theater properties. This project is also proximate to the soon to be improved Springfield Mall, which currently houses more than 1.7 million square feet of retail space. And I'll also note with great anticipation that this project will be within a few miles of the future Wegmans grocery store. Now regarding location, this site places residents in an area that is accessible via major roadways, 395, I-95, I-495. It provides access via Metro, VRE, Connector bus, TAGS. And in addition to this connectivity, in order to help the residents access these amenities, the applicant has also committed to provide the community association with $10,000 in funds to establish a transportation fund to support shared transportation for the residents. They can use cabs, rented vans, carpools, and other methods of transportation. Additionally, the applicant has proposed to provide the association with three bicycles and two motorized vehicles or also known as Segways. And the final issue that the Planning Commission grappled with concerned the monthly HOA/COA fees that would be associated with this development. There was a sentiment that these fees would be excessive and onerous to these residents. The applicant undertook a review of a number of comparable facilities in Fairfax County and found that these fees ranged from $400 per month, as paid by the residents of Saintsbury, to as much as $2,500 per month, as paid by residents of the Sunrise of Oakton. I personally feel that the fees that will be associated with this development, an estimated $530 per month, are inline with the services that will be provided to these residents. These services include a clubhouse with multi-purpose rooms, exercise facilities, and a business center. So in conclusion, Mr. Chairman, this project is in harmony with the Comprehensive Plan and provides an opportunity for individuals, who are nearing or entering retirement, to live in an independent living facility that is affordable, conveniently located to amenities, services, and a number of cases, family and friends. We need more options for people to age in place in Fairfax County, and this is one that will become a model for both Lee District and Fairfax County. So having said that, Mr. Chairman, I would now like to make a number of motions. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2009-LE-001, SUBJECT TO DEVELOPMENT CONDITIONS THAT ARE NOW DATED SEPTEMBER 24, 2009.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. 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 2009-LE-001, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioners Harsel and Alcorn: Abstain.

Chairman Murphy: Ms. Harsel abstains. Mr. Alcorn abstains.

Commissioner Alcorn: Not present for the hearing.

Commissioner Hall: No, I voted.

Chairman Murphy: Okay. Both not present for the public hearing.

Commissioner Harsel: No, I was here.

Chairman Murphy: Oh, Ms. Harsel was here. She just abstained. Mr. Alcorn was not here. He abstained also. Mr. Lusk.

Commissioner Lusk: Thank you, Mr. Chairman. I got a few more motions. I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE ADDITIONAL STANDARD FOR INDEPENDENT LIVING FACILITIES, REQUIRING THAT SUCH USE BE A PARCEL OF LAND FRONTING ON AND WITH DIRECT ACCESS TO A COLLECTOR STREET OR A MAJOR THOROUGHFARE, PER SECTION 9-306 OF THE ZONING ORDINANCE.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioners Harsel and Alcorn: Abstain.

Chairman Murphy: Same abstentions.

Commissioner Lusk: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE BARRIER REQUIREMENT ALONG THE NORTHERN, WESTERN, AND SOUTHERN BOUNDARIES OF THE PROPERTY.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lusk: Finally, Mr. Chairman - -

Commissioner Harsel: Asbtain. Same abstentions.

Chairman Murphy: Same abstentions.

Commissioner Harsel: I abstain through the whole thing.

Commissioner Lusk: Finally, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE NORTHERN, WESTERN, AND SOUTHERN BOUNDARIES OF THE SITE, TO THAT SHOWN ON THE SE PLAT.

Commissioner Lawrence: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions. Is that it?

Commissioner Lusk: Yes, sir. May I just thank the staff for their work on this case? And I know that we might not have necessarily seen eye to eye on the outcome, and I do recognize the level of input and level of effort that was put into getting development conditions and getting all the documents prepared. So, I certainly appreciate that. And I want to thank the applicant and their representative for their work in the community. Clearly, they were able to answer a great number of questions. They were flexible in bringing back proposals and helping the committee - - that is, the Land Use Committee, better understand this project. So, I'm looking forward to seeing it built and I think it, again, will be a model for future projects in Fairfax County. Thank you, Mr. Chairman.

Chairman Murphy: Thank you.

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(The motions carried by votes of 10-0-2 with Commissioners Alcorn and Harsel abstaining.)

KAD