

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, FEBRUARY 17, 2016**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Julie Strandlie, Mason District
Earl L. Flanagan, Mount Vernon District
Kenneth A. Lawrence, Providence District
Karen Keys-Gamarra, Sully District
James R. Hart, Commissioner At-Large
Janyce N. Hedetniemi, Commissioner At-Large
Timothy J. Sargeant, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:15 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 Strandlie announced that members of Cub Scout Pack 150, based at Annandale United Methodist Church in the Mason District, were in attendance for the Planning Commission's meeting tonight. She stated that the Pack 150 had been given a tour of the Fairfax County Government Center facilities prior to the meeting. On behalf of the Commission, Chairman Murphy then recognized each Scout and his respective parent. He then asked that Pack 150 lead the Commission in reciting the Pledge of Allegiance. Commissioner Strandlie thanked Pack 150 for their attendance. On behalf of the Commission, Chairman Murphy also commended the parents of Pack 150 for their work with the Cub Scouts.

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Chairman Murphy announced that the Commissioners had received a memorandum dated February 8, 2016, regarding the assignments for the Planning Commission's Committees, a copy of which is in the date file. He indicated that he had coordinated with Commissioner de la Fe in finalizing these assignments, adding that any vote rendered by a Committee would be subject to a vote by the Planning Commission and a subsequent approval by the Board of Supervisors, if necessary. Subsequently, Commissioner Hart MOVED THAT THE APPOINTMENTS TO THE FAIRFAX COUNTY PLANNING COMMISSION COMMITTEES FOR 2016 BE APPROVED.

Commissioner Ulfelder seconded the motion, which carried by a vote of 12-0.

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Commissioner Hart announced that the Planning Commission's Environment Committee would meet on the following dates:

- Thursday, February 25, 2016, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to discuss policies regarding building energy with staff; and
- Wednesday, April 20, 2016, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center with an agenda to be determined.

He added that the public was welcome to attend both meetings.

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Chairman Murphy stated that Jill Cooper, Director of the Planning Commission, had created a spreadsheet depicting the schedule for the Planning Commission's committee meetings and encouraged Commissioners to reference this spreadsheet when determining appropriate meeting dates.

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Commissioner Lawrence announced that the Planning Commission's Tysons Committee had met earlier this evening. He then indicated that the Tysons Committee would meet again on Wednesday, March 2, 2016, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center and welcomed the public to attend.

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Commissioner Migliaccio announced that Embark Richmond Highway, an initiative focused on creating a multimodal future for the Richmond Highway Corridor, would meet on Thursday, February 18, 2016, at Mount Eagle Elementary School. He noted that he, Commissioner Flanagan, and Commissioner Sargeant were members of this group and welcomed the public to attend this meeting.

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Commissioner Lawrence stated that the applicant for PCA 75-7-004-03 and SE 2015-PR-021, Meridian Science 7980, LP, had requested additional time to address the outstanding issues that had been raised at the public hearing on January 13, 2016; therefore, he MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PCA 75-7-004-03 AND SE 2015-PR-021, MERIDIAN SCIENCE 7980, LP, TO A DATE CERTAIN OF MARCH 9, 2016, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Hart seconded the motion, which carried by a vote of 12-0.

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Commissioner Lawrence stated that additional time was required to address concerns raised regarding workforce housing for PCA/CDPA 2011-PR-023 and FDP 2011-PR-023-04, Cityline Partners, LLC and Renaissance Centro Tysons, LLC; therefore, he MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PCA/CDPA 2011-PR-023 AND FDP 2011-PR-023-04, CITYLINE PARTNERS, LLC AND RENAISSANCE CENTRO TYSONS, LLC, TO A DATE CERTAIN OF FEBRUARY 25, 2016, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Hart seconded the motion, which carried by a vote of 11-0-1. Commissioner Flanagan abstained from the vote.

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Commissioner Strandlie said that the Mason District Land Use Committee would conduct a meeting on February 23, 2016 to review PCA 74-5-158-03, DRW, Inc.; therefore, she MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR PCA 74-5-158-03, DRW, INC., TO A DATE CERTAIN OF MARCH 9, 2016.

Commissioner Hedetniemi seconded the motion, which carried by a vote of 12-0.

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SEA 97-V-061 – ARA, INC. T/A GUNSTON SHELL SERVICE STATION (Decision Only)
(The public hearing on this application was held on January 14, 2016.)

(Start Verbatim Transcript)

Commissioner Flanagan: Yes, before I start, I'd like to defer to Commissioner Hart.

Commissioner Hart: Oh, thank you. Mr. Chairman, if we're doing the decision on the Gunston Shell case – yeah, I wanted to – before we go on the verbatim – between the time of the public hearing and tonight, the law firm of Hart & Horan, PC has one case with Mr. Jenkins, who is the appellants – or, excuse me, the applicant's agent – representing another party. That matter came up after we did the public hearing. I would've done the disclosure then. I'm doing it now. I don't believe it would affect my ability to participate in the case. We have no business or financial relationship. Those parties and that matter is entirely unrelated to this, but I'll make that disclosure. Thank you.

Chairman Murphy: Thank you very much. Mr. Flanagan.

Commissioner Flanagan: Yes. Well, I have a decision only on the agenda tonight. It's the first item. During the January 14 public hearing, regarding the Gunston Shell Service Station Special Exception Amendment 97-V-061, testimony by the South County Federation concurred with the staff recommendation of approval, provided six changes were made to the staff conditions. In

addition, there was a commission question about the amount of right-of-way needed for the station property owner from the – station property owner – for the future widening of Richmond Highway. The Commission deferred a decision until tonight. County staff, the applicant, the South County Federation, and I met on February 10, during which all six concerns were reviewed. All now agree with the revised conditions distributed to the Commission yesterday. In addition, it was determined that the right-of-way needed in the VDOT location study plans for the widening of Richmond Highway will not be 48 feet, as in the staff report, but only 20 feet. I therefore request that the applicant come forward and confirm for the record their agreement to the proposed development conditions, now dated February 16, 2016.

Mark Jenkins, Applicant's Agent, Mark Jenkins, PC: Mark Jenkins, attorney and agent for the applicant, I have a copy of the conditions dated February the 10th. I assume that they're identical.

Commissioner Flanagan: Yes, they are.

Mr. Jenkins: They're a different date. I did want to clarify – I wasn't quite certain about the reference to the dedication, but we concur with the conditions as stated in the February 10th.

Commissioner Flanagan: Right.

Mr. Jenkins: We are not concurring with the dedication.

Commissioner Flanagan: There's no requirement for the dedication of that 20 feet at this time.

Mr. Jenkins: Thank you. So I can confirm that we are in agreement with the development conditions dated February the 16th, 2016.

Commissioner Flanagan: Thank you. Well therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 97-V-061, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 16, 2016.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? Mr. Sargeant.

Commissioner Sargeant: Mr. Chairman, just one question for clarification – for Commissioner Flanagan. In your statement regarding the right-of-way, does anything in that initiative – motion – impact otherwise – in any way the BRT-required right-of-way?

Commissioner Flanagan: The who? Who required?

Commissioner Sargeant: The Bus Rapid Transit right-of-way.

Commissioner Flanagan: That remains yet to be seen. At the present time, Embark calls for the bus rapid transit all the way to the Occoquan past this gas station. However, I think that it – it calls for it to be in dedicated lanes, but the text that goes along with it says that they would use local lanes south of the Fairfax County Parkway. So you'll note that at the Fairfax County Parkway as you go south, there's bridge construction across the Pohick Creek and there's a gap

between the two bridges. So there's no way for the buses to go south of the Fairfax County Parkway, except on the regular lanes.

Commissioner Sargeant: Mr. Chairman, can I get a clarification from staff just so I know for my own understanding?

Chairman Murphy: Mr. Rogers.

Nicholas Rogers, Zoning Evaluation Division, Department of Planning and Zoning:
Commissioner Sargeant, how can we help?

Commissioner Sargeant: Just want to make sure I understand that this does not influence – impact the requirements for bus rapid transit all the way down to the Occoquan, as Commissioner Flanagan described.

Mr. Rogers: It does not.

Commissioner Sargeant: So you're good to go with this? Thank you very much.

Mr. Rogers: You're welcome.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 97-V-061, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Mr. Chairman?

Commissioner Flanagan: I have two more motions, Mr. Chairman.

Chairman Murphy: Hold on.

Commissioner Migliaccio: Mr. Chairman, on that motion, I abstain. I was not here for the public hearing.

Chairman Murphy: Okay. Mr. Migliaccio abstains, not present for the public hearing. Mr. Flanagan.

Commissioner Flanagan: Yes. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE FRONTAGE IMPROVEMENTS REQUIREMENT IN SECTION 17-201 OF THE ZONING ORDINANCE IN FAVOR OF THAT SHOWN ON THE SEA PLAT.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Abstain.

Commissioner Flanagan: And finally, I move that the Planning Commission recommend

Chairman Murphy: And same abstention on that all-

Commissioner Flanagan: Same abstention? Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A WAIVER OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS IN SECTION 13-302 OF THE ZONING ORDINANCE IN FAVOR OF THOSE SHOWN ON THE SEA PLAT.

Commissioner Hedetniemi: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstention. Thank you.

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(Each motion carried by a vote of 11-0-1. Commissioners Migliaccio abstained from the vote.)

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. CSP 2010-PR-021 – CAPITAL ONE BANK, NATOINAL ASSOCIATION
2. CSP B-846-03 – RESTON HEIGHTS RESIDENTIAL I, LLC
3. PCA-A-936-03, PRCA-A-936, AND DPA-A-936-05 – 2222 COLTS NECK ROAD, LLC (Hunter Mill District)
4. RZ 2015-HM-010 – CHRISTOPHER W. AND MARY J. WARNER

This order was accepted without objection.

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CSP 2010-PR-021 – CAPITAL ONE BANK, NATIONAL ASSOCIATION – Appl. under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 2010-PR-021. Located at 1680 Capital One Dr., McLean, 22102, on approx. 26.20 ac. of land zoned PTC, HC. Tax Map 29-4 ((5)) A2. PROVIDENCE DISTRICT. PUBLIC HEARING.

Commissioner Lawrence announced that he intended to make a motion to approve the subject application at the conclusion of the public hearing, but noted that this application included a development condition regarding the use a video sign that might be applicable to other similar developments in the County.

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 application CSP 2010-PR-021.

Answering questions from Commissioner Flanagan, Ms. Wright explained the following:

- The subject application had initially included three Type H signs, which included video screens, but the application had been subsequently modified to include only one Type H sign for the site;
- The Type H sign that would be installed on the site would be partially visible by vehicles and these signs would be sufficiently screened;
- The location, orientation, and operation of the video screen for the Type H sign on the site would be similar to that of signs utilizing video screens in other parts of the County, such as the Mosaic development;
- The revised set of development conditions dated February 12, 2016 prescribed the hours of operation and the types of permissible video broadcasts for video screen of the Type H sign on the site;
- The review conducted by staff of the Type H sign on the site concluded that this sign did not incur a significant safety concern for vehicles navigating the site or for vehicles on Chain Bridge Road;
- The Zoning Ordinance included provisions restricting the frequency with which electronic displays on signs could be altered, but the subject application provided additional provisions that mitigated the issues regarding safety and visual impact that language in the Zoning Ordinance was intended to address;

- The types of signs that utilized video screens, such as the one utilized by Type H signs within the development, were only permitted in P-Districts and were subject to the approval of a Comprehensive Sign Plan by the Commission; and
- The approval of signage utilizing video screens within P-Districts would be assessed by staff on a case-by-case basis.

Commissioner Flanagan expressed concerns regarding the safety impact that implementing the video screen in the Type H sign on the site would incur. (A copy of the Development Conditions are in the date file.)

When Commissioner Hart asked whether the video screen for a Type H sign installed on the site under the proposal would be visible by vehicles utilizing nearby streets, Ms. Wright indicated that this sign would be partially visible. A discussion ensued between Commissioner Hart and Ms. Wright regarding the extent to which this video screen was visible by motorists, the height at which the video screen was located, and the intended audience for this video screen wherein Ms. Wright pointed out that the video screen included in the Type H sign was intended for users of the nearby park areas, adding that the portion of the street from which the video screen would be partially visible did not include significant traffic obstacles.

Commissioner Hart asked whether the provisions articulated in the subject application were sufficiently flexible to accommodate changes in tenants within the retail spaces throughout the development. Ms. Wright said that the proposal was sufficiently flexible to ensure that future tenants could be accommodated without requiring approval by the Commission, adding that the signage provisions for these tenants would be subject to approval by a review board that the applicant would operate. She also indicated that such signage would be required to substantially conform to the provisions articulated in the subject application. A discussion ensued between Commissioner Hart and Ms. Wright regarding the criteria by which future signage would be evaluated to determine whether it was in substantial conformance with the provisions of the subject application.

Mr. Murphy gave a presentation regarding the subject application in which he explained the following:

- The Type H sign that utilized a video screen would be implemented in conjunction with a park;
- The Type H sign would broadcast movies, news, and sporting events to users of the nearby park;
- The video screen utilized by the Type H sign would be subject to development conditions that would limit its hours of operation and its visibility from nearby streets;
- The development conditions prescribed for the video screen in the Type H sign were similar to the conditions utilized by a similar sign in the Mosaic development; and

- The video screen utilized by the Type H sign would be sufficiently screened from nearby streets.

(A copy of Mr. Murphy's presentation is in the date file.)

Commissioner Lawrence complimented the applicant for the quality of the subject application and the designs of the signs articulated in this application.

In reply to questions from Commissioner Lawrence, Mr. Murphy stated the following:

- The applicant utilized its own review board to review the ongoing development on the site and ensure that the quality of the development was sufficient;
- The applicant did not object to the revised set of development conditions that had been distributed prior to the public hearing; and
- The applicant would review the signage on the subject property after a significant portion of the planned development for the site was completed and submit this review to its review board to ensure that the extent of this signage was appropriate, as articulated in the development conditions.

Commissioner Lawrence commended staff and the applicant for the provisions articulated in the sign plan that required a review of the signage to ensure that it was sufficient. He added that he supported utilizing similar provisions with future developments wherein the timetables for the development were long, such as revitalization efforts.

Referring to Page 17 of Mr. Murphy's presentation, Chairman Murphy asked about the accuracy of the data on signs depicting the availability of parking. Mr. Murphy explained that the parking provisions on the subject property utilized sensors to provide the necessary parking data for these signs, stating that these sensors were similar to those utilized by the parking facilities at Tysons Corner Mall. A discussion ensued between Chairman Murphy and Mr. Murphy regarding the accuracy of the sensors that would be utilized on the site for gathering this parking data.

Replying to questions from Commissioner Hurley, Mr. Murphy indicated that the video screen for the Type H sign on the site would be visible by vehicles utilizing Capital One Drive North, but noted that the extent of the setbacks and the presence of screening would ensure that this video screen would not incur a safety hazard for traffic. He also stated that the trees that would screen the video screen would be deciduous, which would increase the visibility of this screen during the winter months.

Commissioner Flanagan expressed support for efforts to install video screen in park developments. However, he also expressed concern about the visibility of the video screen for the Type H sign on the site by vehicles. Mr. Murphy said that the applicant would continue to review the location of this sign, adding that the safety impact of the video screen would be a significant consideration.

When Commissioner Ulfelder asked whether the video screen utilized by the Type H sign would include sound with its broadcasts, Mr. Murphy stated that certain types of broadcasts were prohibited from utilizing sound, as articulated in the development conditions. However, he noted that other types of broadcasts would utilize sound, such as movies and sporting events. Mr. Murphy added that broadcasts utilizing sound were not permitted during certain hours and these hours were articulated in the development conditions.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. He then called for concluding remarks from Ms. Wright, who declined.

Commissioner Lawrence noted the successful implementation of signage that utilized a video screen in the Mosaic development, adding that this signage had not incurred a significant safety impact. He then pointed out that the location of the video screen for the Type H sign in the subject application was sufficient to ensure it would not incur a significant safety impact for vehicles utilizing nearby streets.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on this case.

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed. So when that comes down the street, turn it off. Recognize Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 2010-PR-021, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED FEBRUARY 12TH, 2016, WITH WHICH THE APPLICANT HAS AGREED.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion to approve CSP 2010-PR-021, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Abstain.

Chairman Murphy: Yes. Mr. Flanagan, abstains.

(The motion carried by a vote of 11-0-1. Commissioner Flanagan abstained from the vote.)

(End Verbatim Transcript)

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CSP B-846-03 – RESTON HEIGHTS RESIDENTIAL I, LLC –
Appl. under Sect. 12-210 of the Zoning Ordinance for approval of
a Comprehensive Sign Plan associated with RZ –B-846 and PRCA
–B-846. Located on the W. side of Sunrise Valley Dr., approx.
1,050 ft. from its intersection with Reston Pkwy., on approx. 9.96
ac. of land zoned PRC. Tax Map 17-3 ((21)) 1, 2A, 3A, 4A, and
5A. HUNTER MILL DISTRICT. PUBLIC HEARING.

Nicholas Rogers, 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 application CSP B-846-03.

Commissioner de la Fe indicated that staff had coordinated with the applicant to address their outstanding concerns, but noted that one outstanding issue regarding Development Condition Number 5 in the revised set dated February 17, 2016, which prohibited the installation of monument signs along Sunrise Valley Drive, had not yet been resolved. Mr. Rogers concurred with this statement. Commissioner de la Fe then deferred to the applicant to address this issue. (A copy of the revised development conditions is in the date file.)

Benjamin Tompkins, Applicant's Agent, Reed Smith, LLP, explained that the subject application was part of a Planned Residential Community development that had been approved in 2013 and this development would convert a surface parking lot into an amenity-rich, mixed-use urban development that would be located near the future Reston Town Center Metrorail Station. He then indicated that the proposed signage articulated in this application would be consistent with the character of this previously-approved development. Mr. Tompkins stated that the applicant had met with the Reston Design and Review Board (RDRB) on multiple occasions to review the provisions of the proposal and a letter of support had been subsequently submitted, adding that these provisions had been approved on October 20, 2015, and January 19, 2016. He also said that the applicant had coordinated with staff to address their concerns, but echoed remarks from Commissioner de la Fe regarding the applicant's opposition to Development Condition Number 5. Mr. Tompkins indicated that the monument signs included in the subject property would be consistent with the character and intensity of the previously-approved development for the subject property, adding that these signs would facilitate internal circulation for visitors without incurring a negative visual impact. In addition, he pointed out that other similar developments within the County utilized similar signage. Mr. Tompkins noted that the Reston Association and the Greater Reston Chamber of Commerce (GRCC) had submitted a letter of support for the subject application, including the proposed monument signs. (A copy of the RDRB, the Reston Association, and the GRCC letter of support is in the date file.)

When Commissioner de la Fe asked whether the signage to be installed on the subject property was subject to approval by the RDRB, Mr. Tompkins confirmed that the applicant was required to obtain RDRB's approval in addition to the Commission's approval prior to implementing the

proposed signage. Commissioner de la Fe then echoed Mr. Tompkins' remarks regarding the RDRB's support of the proposed signage articulated in the subject application.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for action on this case.

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed. Mr. de la Fe.

Commissioner de la Fe: Thank you, Mr. Chairman. Mr. Chairman, I – as you know, I don't often go against staff recommendations when they are very – you know, very strong. And I want to make sure that the – what I will propose is in no way reflective of the quality of – you know, of the staff work. My major reason for what I will propose – and I will be proposing deletion of the proposed Development Condition Number 5, which prohibits, in effect, monument signs along Sunrise Valley Drive. My main – there are two reasons why I'm doing it. One is that, as – the Reston Association Design and Review Board actually has – to be kind, they're very picky as to how they look at these things with signs and lights and so on. And the other one, frankly for me, is a matter of equity in that as I drove here tonight along Sunrise Valley Drive and I went by this property – between – before I reach this property, there are a number of monument signs that were there already to – that exist. And I think placing two or – I don't know how much it – two or three monument signs to identify this property along Sunrise Valley Drive does not, in any way, detract from the quality of the pedestrian experience or the experience that people will have at this develop. So Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CSP B-846-03, subject to – wait – wait a minute – SUBJECT TO THE DEVELOPMENT CONDITIONS – wait – wait a minute – DATED FEBRUARY 17TH, 2016, except for – WITH THE DELETION OF CONDITION NUMBER 5.

Chairman Murphy: Okay.

Commissioner de la Fe: And Mr. Tompkins, could you – Ben, could you come up and agree that you agree with these development conditions and the change that I just made?

Benjamin Tompkins, Applicant's Agent, Reed Smith, LLP: We agree with those development conditions with the deletion of Condition Number 5.

Commissioner de la Fe: Thank you.

Commissioner Flanagan: Second.

Chairman Murphy: Well, I think the public hearing is closed.

Commissioner de la Fe: Oh yeah, go ahead.

Chairman Murphy: Mr. de la Fe.

Commissioner de la Fe: Yeah, if you-

Chairman Murphy: Go ahead. Mr. de la Fe.

Commissioner de la Fe: Yeah.

Chairman Murphy: Are you done?

Commissioner de la Fe: Yeah, we're done.

Chairman Murphy: Okay.

Commissioner de la Fe: We're done and I-

Chairman Murphy: Second the motion?

Commissioner Flanagan: Yes.

Chairman Murphy: All right. Mr. Flanagan seconded the motion. Is there a discussion?

Commissioner Lawrence: Mr. Chairman? Just a point of clarification – in voting to support this motion, we would not be in any sort of conflict with the sign ordinance. That is, with this level of specificity about what signs go on what streets is not in the sign ordinance, as I recall. Does staff agree with that recollection?

Nicholas Rogers, Zoning Evaluation Division, Department of Planning and Zoning: That's correct. By approving a Comprehensive Sign Plan, the particulars of the plan itself would supersede the typical governing elements of Article 12.

Commissioner Lawrence: Thank you very much. Thank you, Mr. Chairman.

Chairman Murphy: Further discussion? All those in favor of the motion to approve CSP B-846-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 12-0.)

(End Verbatim Transcript)

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PCA-A-936-03 – 2222 COLTS NECK ROAD, LLC – Appl. to amend the proffers for RZ –A-936 previously approved for an independent living facility to permit independent living and medical care facilities (assisted living) with an overall Floor Area Ratio (FAR) of 1.22 and associated modifications to proffers. Located on the E. side of Reston Pkwy. and on the W. side of Colts Neck Rd., N. of Glade Dr., and S. of South Lakes Dr., on approx. 4.33 ac. of land zoned PRC. Comp. Plan Rec: Planned Residential Community. Tax Map 26-1 ((13)) 1. (Concurrent with PRCA A-936 and DPA A-936-05.) HUNTER MILL DISTRICT.

PRCA-A-936 – 2222 COLTS NECK ROAD, LLC – Appl. to amend the Planned Residential Community Plan associated with RZ A-936 to permit independent living and medical care facilities (assisted living). Located on the E. side of Reston Pkwy. and on the W. side of Colts Neck Rd., N. of Glade Dr. and S. of South Lakes Dr., on approx. 4.33 ac. of land zoned PRC. Comp. Plan Rec: Planned Residential Community. Tax Map 26-1 ((13)) 1. (Concurrent with PCA A-936-03 and DPA A-936-05.) HUNTER MILL DISTRICT.

DPA-A-936-05 – 2222 COLTS NECK ROAD, LLC – Appl. to permit the fifth amendment of the Development Plan for RZ A-936 to permit independent living and medical care facilities (assisted living) with an overall Floor Area Ratio (FAR) of 1.22. Located on the E. side of Reston Pkwy. and on the W. side of Colts Neck Rd., N. of Glade Dr., and S. of South Lakes Dr., on approx. 4.33 ac. of land zoned PRC. Comp. Plan Rec: Planned Residential Community. Tax Map 26-1 ((13)) 1. (Concurrent with PCA A-936-03 and PRCA A-936.) HUNTER MILL DISTRICT. JOINT PUBLIC HEARING.

Mark Looney, Applicant's Agent, Cooley, LLP, reaffirmed the affidavit dated January 5, 2016.

There were no disclosures by Commission members.

Mary Ann Tsai, 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 PCA-A-936-03, PRCA-A-936, and DPA-A-936-05.

Referring to Proffer Number 27, Fairfax County Health Care Advisory Board (HCAB), which required the applicant to submit periodic information to HCAB regarding the staffing and operation of the proposed facility, Commissioner Hart expressed concern regarding the subsequent recourse for the applicant if the reports submitted to HCAB concluded that the operation of the facility was inadequate. He then cited an instance at a similar facility in Pennsylvania where the applicant had been cited for providing inadequate care. Ms. Tsai

indicated that the applicant was not required provide additional materials beyond the obligations articulated in Proffer Number 27 and if the information in these materials indicated that the facility was not providing sufficient care, such an instance would not subsequently modify the approved use of the site or require additional action from the Commission. Sharon Craig, Staff Coordinator, HCAB, added that in the event that it was determined that the applicant was not providing sufficient care, the Virginia Department of Social Services would address this issue by implementing the appropriate remediation measures.

Mr. Looney explained that in 2007, the Board of Supervisors had approved the development of an independent living facility on the subject property, but noted that this development had not yet been constructed. He then stated that the applicant subsequently decided to modify the development to include an assisted living facility in conjunction with the previously-approved independent living facility. Mr. Looney said that this modification would provide additional flexibility for the residents at the facility in the event their requirements for care changed. He also indicated that the proposal would accommodate a level of service and activities that was not available at other facilities within the County.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for action on these cases.

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed. Mr. de la Fe.

Commissioner de la Fe: Thank you very much, Mr. Chairman. This is a good thing for Reston and I hope that we actually go ahead and develop it since we approved the original one a long time ago and nothing happened. But I do want to note that you received a change in the proffers regarding the use of parking spaces, which – all it does is to remove a reference to providing hang tags to residents – and also removing a sentence about the right to charge a fee for parking spaces by all residents. And that was – I thank the developer for agreeing to that proffer change. And that was directly at the request of the townhouse community next door to them because they were concerned about the possibility that some of the folks that were either living, working, or visiting this facility might want to park in their parking spaces. So with that, Mr. Chairman – Mr. Chairman, well there is – there are no – are there development conditions in this? I know that there are proffers, but I can't remember.

Mary Ann Tsai, Zoning Evaluation Division, Department of Planning and Zoning: There are PRC conditions.

Commissioner de la Fe: That's right. There are – yes, could the applicant please confirm, for the record, agreement to the proposed PRC development conditions dated February 3rd, 2016?

Mark Looney, Applicant's Agent, Cooley, LLP: The applicant is agreeable to the conditions.

Commissioner de la Fe: Thank you very much. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-936-03 [sic], DPA-

Chairman Murphy: A.

Commissioner de la Fe: 3 – no it's 36-03 - 03 and then we go to PRC-

Chairman Murphy: There's an A after DPA-A.

Commissioner de la Fe: Yes, I haven't gotten there yet. The order is different, yes – PCA-A-936-03, DPA-A-936-05, AND PRCA-A-936, SUBJECT TO THE PROFFERED CONDITIONS NOW DATED FEBRUARY 11, 2016 AND THE PROPOSED DEVELOPMENT CONDITIONS DATED FEBRUARY 3RD.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors to approve all these applications, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: And, Mr. Chairman, I'll MOVE THREE OTHER MOTIONS TOGETHER. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF:

- A MODIFICATION OF SECTION 13-303 OF THE ZONING ORDINANCE FOR THE TRANSITIONAL SCREENING REQUIREMENT TO THAT SHOWN ON THE PCA/DPA/PRCA PLAN;
- A WAIVER OF SECTION 13-304 OF THE ZONING ORDINANCE FOR THE BARRIER REQUIREMENT; AND
- APPROVAL OF A MODIFICATION TO THE FAIRFAX COUNTY COUNTYWIDE TRAILS PLAN REQUIREMENT ALONG COLTS NECK ROAD TO THAT SHOWN ON THE PCA/DPA/PRCA PLAN.

Chairman Murphy: Seconded by Mr. Flanagan?

Commissioner Flanagan: Yes.

Chairman Murphy: He's watching that video screen. All those in favor of those motions say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(Each motion carried by a vote of 12-0.)

(End Verbatim Transcript)

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RZ 2015-HM-010 – CHRISTOPHER W. AND MARY J. WARNER – Appl. to rezone from R-1 to R-3 to permit residential development with a total density of 2.25 dwelling units per acre (du/ac) and a waiver of the minimum lot width requirements. Located on the S. side of Clarks Crossing Rd., at its intersection with Ballycor Dr., on approx. 1.34 ac. of land. Comp. Plan Rec: 2-3 du/ac. Tax Map 28-3 ((1)) 46. HUNTER MILL DISTRICT. PUBLIC HEARING.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated October 1, 2015.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had multiple cases where attorneys in Ms. Strobel's firm were representing adverse parties. However, he noted that this matter and those parties were not related to this case and there was no business or financial relationship; therefore, it would not affect his ability to participate in this case.

Laura Arseneau, 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 application RZ 2015-HM-010.

Ms. Strobel gave a presentation regarding the subject application wherein she explained the following:

- The applicant was aware that the Commission had received multiple letters of opposition regarding the subject application;
- The applicant had owned the subject property since 1986 and the surrounding area had been subject to significant development since that time;
- The primary concern articulated in the opposition letters submitted to the Commission pertained to the loss of trees that the proposal would incur and its impact on the rural, low-density character of the surrounding community;

- The addition of two lots on the subject property would not significantly impact the rural character of the surrounding neighborhood and only one of these lots would be visible from Clark's Crossing Road;
- The area surrounding the site had been subject to numerous developments, none of which had incurred significant opposition from the surrounding community or the applicant;
- The proposal would subdivide the subject property into three lots at a density of 2.25 dwelling units per acre, which was consistent with the recommended 2 to 3 dwelling units per acre prescribed by the Comprehensive Plan;
- The subject property was located south of Clark's Crossing Road and the Comprehensive Plan recommended higher densities, such as R-2 and R-3, on this side of the road compared to the properties located to the north, which were primarily zoned at lower densities such as R-1;
- The applicant had coordinated with staff to ensure that the proposal was compatible with the surrounding area;
- The surrounding area had been developed with single-family detached dwelling units and the design that the applicant intended to utilize for Lots 2 and 3 was compatible with the designs of nearby developments;
- The sizes of the lots in the proposed development were compatible with those located south of Clarks Crossing Road and were similar in size to the subdivisions located to the south and west of the site;
- The proposal included a 40-foot front yard setback for the dwelling unit that would be located on the lot adjacent to Clarks Crossing Road, which was consistent with requirements prescribed to units within an R-1 District;
- The 40-foot front yard setback included in the proposal was similar to the setbacks utilized by surrounding properties;
- The proposed dwelling units that would be constructed on the two additional lots under the subject application would be arranged in a manner to permit sufficient space between each unit;
- The proposal would exceed the necessary tree-preservation requirements and be consistent with the lot size standards prescribed by the Zoning Ordinance for R-3 Districts;
- The proposed development would not establish a precedent for future developments that would not be compatible with the existing character of the surrounding community;

- The applicant had coordinated with staff on the tree-preservation provisions articulated in the proposal and the majority of the trees located on the northeast portion of the subject property would be preserved;
- The western property line of the subject property included mature trees that the applicant had previously planted and these trees would be retained under the proposal to provide a sufficient buffer with the adjacent property;
- The applicant would implement additional plantings on neighboring properties if the owners of these properties agreed to such plantings;
- The applicant was requesting a waiver for the minimum lot width requirement prescribed by the Zoning Ordinance for Lot 3 and while neighboring residents had expressed concern about the impact of granting such a waiver, the County had approved similar requests in the past five years and approving this waiver would not set a precedent for future development in the area;
- The subject application had been reviewed by staff and staff had concluded that the subject application was consistent with the Resident Development Criteria and the necessary requirements prescribed by the Zoning Ordinance;
- The Commission had received multiple letters of support for the proposal prior to the public hearing;
- The applicant would continue to reside in the existing dwelling unit on the subject property;
- The applicant had met with the Hunter Mill District Land Use Committee on multiple occasions wherein issues pertaining to additional landscaping provisions and stormwater drainage issues were discussed;
- The Hunter Mill District Land Use Committee had not yet voted to support the subject application; and
- The applicant would meet with the Hunter Mill District Land Use Committee again in March 2016 to continue discussions regarding the subject application.

(Copies of the letters of support referenced in Ms. Strobel's presentation are in the date file.)

Commissioner de la Fe said that the Hunter Mill District Land Use Committee asked that the applicant meet with neighboring property owners to address community concerns. He then asked whether the applicant had conducted such meetings. Ms. Strobel indicated that the applicant had been coordinating with these owners and during such discussions, multiple modifications to the proposal were suggested, such as removing one of the lots and redesigning the access. However, she stated that the applicant had not agreed to these modifications. Ms. Strobel added that she

had provided neighboring property owners with contact information that could be used to submit additional concerns.

When Commissioner Hurley asked how residents in the existing dwelling unit on the property accessed Clarks Crossing Road, Ms. Strobel pointed out the location of an existing driveway near the eastern portion of the site. A discussion ensued between Commissioner Hurley and Ms. Strobel regarding the possibility of combining this existing driveway with the proposed driveway to access each lot depicted in the proposal and the potential impact of this alternative design on stormwater drainage throughout the site wherein Ms. Strobel explained the following:

- The alternative design that would combine the driveways for each lot was not feasible because it would incur significant tree loss around the northern portion of the site;
- The alternative design had been reviewed by staff and was not supportive of this design; and
- The alternative design would not incur a significant impact on the stormwater drainage provisions for the site and was not a factor in staff's opposition to this design.

Commissioner Hart pointed out that the rear yard of Lot 2 on the subject property was an irregular shape and expressed concern regarding potential issues in identifying the side line and rear lines. He then asked whether staff concurred with the modifications to the shape of Lot 2 that were intended to address this issue, as articulated in the staff report addendum dated February 10, 2016. Ms. Arseneau explained that the provisions of the staff report addendum increased the size of Lot 2 to modify the shape of the lot lines and staff would verify with the Zoning Administrator which portions of the lot lines were identified as side lines. A discussion between Commissioner Hart and Ms. Arseneau ensued regarding the location of the side line and the rear line for Lot 2 of the proposed development wherein Ms. Arseneau said that staff would verify the location of these lines during the deferral period.

Commissioner Hart expressed support for the applicant's proposed landscaping provisions for Lot 2, noting the constraints associated with lots with irregularly shaped rear yards. He also said that he supported the prohibition of the use of popsicle signs on the subject property, as articulated within Proffer 11B, Signs, in the set of proffers depicted in Appendix 1 of the staff report addendum.

Commissioner Hart pointed out that the proposed driveway for Lots 2 and 3 was shared, stating that residents of both lots would be required to utilize this driveway to access the dwelling units on each lot. He then indicated that a mutual easement would be necessary for each lot to ensure the effective use of this shared driveway, adding that such an agreement would have to be worded in a manner agreeable with the County Attorney. Commissioner Hart said that he favored making the obtainment of such an easement a condition for approval. Ms. Strobel stated that she did not object to including such a condition during the deferral period.

Commissioner Lawrence aligned himself with Commissioner Hart's concerns regarding the shared driveway on the site, stating that he supported obtaining an easement that would ensure

the appropriate use of this driveway. In addition, he said that he favored documenting this easement in a manner that would ensure its effectiveness through changes of ownership for Lots 2 and 3.

In response to questions from Commissioner Lawrence, Ms. Strobel indicated that the maintenance of the driveway for Lots 2 and 3 would be a shared responsibility that would be documented in an agreement between the owners of each lot.

When Commissioner Flanagan asked about the zoning of the lots located south of the subject property, Ms. Arseneau said that these lots were zoned R-2. A discussion ensued between Commissioner Flanagan and Ms. Strobel regarding the zoning of the properties surrounding the site compared to the zoning of the subject property under the proposal wherein Ms. Strobel pointed out that there were properties zoned R-3 located near the site.

When Commissioner Flanagan described the design of the shared driveway between Lots 2 and 3 on the site, Ms. Arseneau concurred with his description of this design. Commissioner Flanagan then asked about the width of this shared driveway and whether it was wide enough to accommodate more than one vehicle. Ms. Arseneau stated that the width of the shared driveway was approximately 12 feet. A discussion ensued between Commissioner Flanagan and Ms. Arseneau, with input from Ms. Strobel, regarding whether this shared driveway could accommodate more than one vehicle at a time wherein Ms. Strobel indicated that staff from the Fairfax County Department of Transportation and the Fire Marshal had not expressed concerns about the width of this driveway.

Commissioner Flanagan asked how the dwelling unit for Lot 1 of the subject property would be accessed. Ms. Strobel said that an existing driveway would be utilized to access this lot and Ms. Arseneau pointed out the location of this driveway on the eastern portion of the site, adding that this driveway would not be modified under the proposal.

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

Bernard Diederich, 9701 Clarks Crossing Road, Vienna, spoke in favor of the proposal. He said that he resided in the property located in close proximity to the subject property and noted both his and the applicant's commitment to maintaining the character of the surrounding community. Mr. Diederich then described the rural character of the surrounding community, noting that the density of this community had increased due to additional development. He stated that the increase in density under the subject application was appropriate and would not negatively impact the character of the community, adding that he did not concur with concerns raised by other citizens regarding the density of this application.

Commissioner Flanagan commended Mr. Diederich's testimony. A discussion ensued between Commissioner Flanagan and Mr. Deiderich regarding the location of his property, the zoning of his property, and the ability for him to subdivide his property wherein Mr. Deiderich indicated that his property was zoned R-1 and was located to the east of the site.

Melissa Zelinger, 9827 Clarks Crossing Road, Vienna, spoke in support of the subject application. She echoed remarks from Mr. Diederich regarding the rural character of the

surrounding community and the development that had occurred throughout this community, noting the frequency with which subdivisions had occurred. Ms. Zelinger said that she did not object to the increase in density that would occur on the site under the proposal, noting the presence of other properties zoned R-3 that were located near the site. In addition, she expressed support for the applicant's commitment to ensuring sufficient tree preservation, implementing appropriate screening on the site, and widening portions of Clark's Crossing Road to mitigate the impact of the proposal. Ms. Zelinger also echoed Mr. Deiderich's remarks regarding the opposition to the subject application that had been raised by neighboring residents, stating that she did not concur with this opposition.

Leslie Shepherd, 9707 Clarks Crossing Road, Vienna, spoke in support of the proposal. He said that he resided in a property located east of the site and echoed remarks from previous speakers regarding the trends in development for the surrounding community and the applicant's commitment to maintaining the character of the surrounding community.

Joanne Shea, 1914 Ballycor Drive, Vienna, spoke in opposition to the subject application because it would incur a negative visual impact for nearby properties. She noted that her property was located across Clarks Crossing Road from the subject property and was at a lower elevation, which increased the visibility between the properties. She also indicated that the density of the proposal was too high and was not consistent with the character of the surrounding neighborhood. Ms. Shea also pointed out that the site did not contain sufficient frontage to accommodate the proposal and said that she did not support the applicant's request for a waiver of the lot frontage requirement prescribed by the Zoning Ordinance. She then stated that she did not object to subdividing the subject property in a manner that would accommodate one additional dwelling unit instead of two. Ms. Shea added that the designs of the proposed development were not consistent with those of the surrounding community and permitting such a development would incur a negative impact on surrounding property values. In addition, she indicated that she had attended multiple meetings regarding this application and her concerns had not been sufficiently addressed.

A discussion ensued between Commissioner Hurley and Ms. Shea regarding the location of her property along Clarks Crossing Road and the possible alternative designs for the second driveway on the site wherein Ms. Shea reiterated the extent to which the subject property was visible from her property and that she favored the installation of one additional dwelling unit on the site instead of two.

Commissioner Migliaccio asked whether the dwelling unit on Lot 3 of the subject property would be visible from Ms. Shea's property. Ms. Shea indicated that this dwelling unit would be visible due to the differences in elevation between her property and that of the site.

John Sekas, 9719 Clarks Crossing Road, Vienna, voiced opposition to the proposal. He said that he did not object to the density of the proposed subdivision, but he opposed granting the applicant's request for a waiver of the lot frontage requirement prescribed by the Zoning Ordinance because it would establish a precedent for future development in the area. He noted the potential legal issues that could arise by granting such a waiver for applicants that did not abide by appropriate criteria. Mr. Sekas pointed out that the developments located near the site that utilized a pipe stem, which were similar to the design proposed by the applicant, were R-2

Cluster subdivisions and the design of the proposed subdivision was not consistent with this design. He then stated that the applicant had not sufficiently demonstrated that granting the requested waiver for the lot frontage requirement was warranted. In addition, Mr. Sekas stated that he favored developing the subject property with two lots instead of three, adding that such a development would utilize less impervious surface and would not incur a significant visual impact. He also pointed out that the size of the lots in the proposed subdivision were smaller compared to the size of the lots in surrounding properties, which made the proposal inconsistent with the character of the surrounding community. Mr. Sekas expressed concern about the location of the proposed driveway that would be utilized to access Lots 2 and 3 on the site, stating that the topography of this portion of the property was inappropriate for such a feature. He also noted the number of infiltration trenches on the subject property and expressed concern about the maintenance of these trenches. In addition, Mr. Sekas said that he had met with the applicant to discuss possible modifications to the proposed subdivisions, but no agreement regarding such modifications had been made.

Commissioner Hart addressed Mr. Sekas' concerns regarding the potential legal issues that could arise from granting a waiver of the lot frontage requirement prescribed by the Zoning Ordinance, explaining that a past instance where granting such a waiver had created a legal issue subsequently led to determination by the Fairfax County Circuit Court wherein these waivers were within the purview of a variance. He added that the Virginia General Assembly had also rendered a decision that concurred with this court determination.

A discussion ensued between Commissioner Hart and Mr. Sekas' regarding the extent of Mr. Sekas' opposition to the subject application and the possible resolutions his concerns that could be rendered through further coordination with the applicant wherein Mr. Sekas reiterated that his primary reasons for opposing this application were applicant's request for a waiver of the lot frontage requirement prescribed by the Zoning Ordinance and the location of the access point for the driveway that would be utilized by Lots 2 and 3.

A discussion ensued between Commissioner Flanagan and Mr. Sekas regarding the County's previous efforts to modify the requirements prescribed by the Zoning Ordinance for frontage and side yards of residential properties wherein Mr. Sekas confirmed that concerns had been raised during these efforts regarding the possibility that a waiver, such as the one proposed by the applicant, would be necessary to warrant approval of an application.

Tammy Ilaria, 1818 Watervale Way, Vienna, voiced opposition to the proposal, echoing concerns from previous speakers regarding its high density, its impact on the character of the surrounding community, and the existing rural character of the surrounding neighborhood. She then stated that permitting the subject property to be rezoned at R-3, in conjunction with the design of the dwelling units on Lots 2 and 3, was inconsistent with this character. Ms. Ilaria also said that the applicant had not sufficiently coordinated with residents of the surrounding community to address their concerns, adding that significant opposition to the proposal had been submitted prior to the public hearing. In addition, she aligned herself with remarks from Mr. Sekas regarding opposition to the applicant's requested waiver for the lot frontage requirements prescribed by the Zoning Ordinance, adding that the applicant had not demonstrated that the criteria for granting such a waiver had been met.

Beth Tecala, 1912 Ballycor Drive, Vienna, spoke in opposition to the proposal, echoing remarks from previous speakers regarding its density and negative visual impact for the surrounding properties. She also aligned herself with comments from previous speakers regarding the rural character of the surrounding neighborhood, the proposal's potential impact on surrounding property values, and the possibility that approval of the proposal could establish a precedent for similar development in the future. Ms. Tecala also indicated that she concurred with the statements by previous speakers regarding their opposition to the applicant's request for a waiver for the lot frontage requirements prescribed by the Zoning Ordinance. She then stated that she did not object to a subdivision on the site that utilized two lots instead of three.

Chairman Murphy called for speakers from the audience.

Regis Arnone, 9804 Clarks Crossing Road, Vienna, spoke in opposition to the subject application, aligning himself with remarks from previous speakers regarding the density of the proposed subdivision. He also indicated that he supported a subdivision on the site that utilized two lots instead of three. In addition, Mr. Arnone expressed concern regarding the proposed subdivision's impact on stormwater drainage on the site and in the surrounding area.

There being no more speakers, Chairman Murphy called for a rebuttal statement by Ms. Strobel, who said the following:

- The proposed subdivision would be sufficiently screened from nearby properties by mature evergreen trees and was located at a sufficient distance to address concerns regarding the visual impact of the proposal;
- The waiver for the lot width requirement prescribed by the Zoning Ordinance had met the appropriate criteria;
- The original staff report contained erroneous depictions of the lot shapes for the proposed subdivision and this error had been corrected in the staff report addendum;
- The design for the driveway that would be utilized to access the dwelling units on Lots 2 and 3 was appropriate because it ensured sufficient tree preservation on the site and the alternative design proposed by Mr. Sekas did not provide similar provisions, nor did it accommodate an appropriate configuration for Lot 3;
- The proposed subdivision would not significantly impact the character of the surrounding community; and
- The applicant would continue coordinating with the surrounding community to address their concerns.

Chairman Murphy called for closing remarks from Ms. Arseneau, who declined.

When Commissioner Flanagan asked whether the subject application would require a waiver of the frontage requirements prescribed by the Zoning Ordinance if subdivided under an R-2 zoning, Ms. Arseneau said that such a waiver would still be required.

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

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed. Mr. Flanagan.

Commissioner de la Fe: No, it's me.

Chairman Murphy: I mean Mr. de la Fe.

Commissioner de la Fe: It's Hunter Mill.

Chairman Murphy: Hunter Mill, that's right.

Commissioner Flanagan: Thank heavens.

Commissioner de la Fe: As you can see, we have some questions – both from the Commission and from neighbors. And I think – and, as Ms. Strobel mentioned – the Land Use Committee did ask that – if they would come back again one more time, which is four – which is a lot. But I'm willing to – you know, grant that request. I do hope that we can resolve all of the issues. If not – you know, we may not be able to, but at least I want to hear from the Land Use Committee after they've had their fourth shot at this. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ 2015-HM-010 TO A DATE CERTAIN OF MARCH 16TH and the – WITH THE RECORD REMAINING OPEN.

Commissioners Hart and Lawrence: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion to defer RZ 2015-HM-010 decision only to a date certain of March 16th, with the record remaining open for written comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 12-0.)

(End Verbatim Transcript)

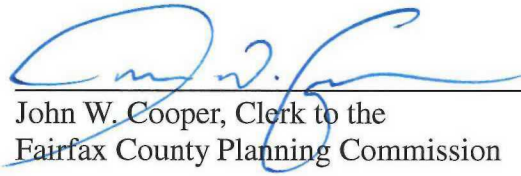
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The meeting was adjourned at 10:44 p.m.
Peter F. Murphy, Chairman
James R. Hart, Secretary

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 14, 2016



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