

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, MARCH 9, 2016**

**PRESENT:** Peter F. Murphy, Springfield District  
Frank A. de la Fe, Hunter Mill District  
James R. Hart, Commissioner At-Large  
Timothy J. Sargeant, Commissioner At-Large  
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  
Janyce N. Hedetniemi, Commissioner At-Large

**ABSENT:** None

//

The meeting was called to order at 8:16 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

**COMMISSION MATTERS**

Commissioner Lawrence announced that the Planning Commission's Tysons Committee would meet on Wednesday, March 16, 2016, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to discuss transportation issues and editorial changes to the Tysons Plan. He said that this meeting was open to the public.

//

Commissioner Sargeant stated that the Planning Commission had conducted the workshop and public hearing for the Fairfax County Capital Improvement Program (CIP) for Fiscal Years 2017 through 2021 (With Future Fiscal Years To 2026) on Thursday, March 3, 2016. He also said that the Commission's CIP Committee had met earlier in the evening. He then **MOVED THAT THE PLANNING COMMISSION DEFER A DECISION ONLY ON THE MARKUP FOR THE CIP TO A DATE CERTAIN OF WEDNESDAY, MARCH 16, 2016.**

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

//

Chairman Murphy announced that the Planning Commission's Land Use Process Review Committee would meet on Thursday, March 10, 2016, at 7:00 p.m. in the Board Conference

Room of the Fairfax County Government Center. He added that this meeting was open to the public.

//

Commissioner Lawrence 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 16, 2016, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

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

//

Commissioner Lawrence said that the applicant for FDP 2011-PR-023-04 and PCA/CDPA 2011-PR-023, Renaissance Centro Tysons, LLC and Cityline Partners, LLC, required additional time; therefore, he MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR FDP 2011-PR-023-04 AND PCA/CDPA 2011-PR-023, RENAISSANCE CENTRO TYSONS, LLC AND CITYLINE PARTNERS, LLC, TO A DATE CERTAIN OF MARCH 16, 2016, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

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

Subsequently, Chairman Murphy ENTERTAINED A MOTION TO DEFER THE BOARD OF SUPERVISORS' PUBLIC HEARING FOR FDP 2011-PR-023-04 AND PCA/CDPA 2011-PR-023, RENAISSANCE CENTRO TYSONS, LLC AND CITYLINE PARTNERS, LLC TO A DATE FOLLOWING THE DETERMINATION BY THE PLANNING COMMISSION ON THESE CASES.

This motion was moved by Commissioner Hart and seconded by Commissioner Flanagan, which carried by a vote of 12-0.

//

Commissioner Flanagan announced his intent to further defer the decision only for SE 2015-MV-019, Charles County Sand & Gravel Company, Inc. at the Planning Commission's meeting on Thursday, March 10, 2016.

//

Commissioner de la Fe announced his intent to defer the public hearing for CSPA 85-C-088, Reston Town Center Property, LLC, at the Planning Commission's meeting on Thursday, March 10, 2016 to a date certain of Thursday, April 14, 2016. He added that this deferral had been requested by the applicant.

//

ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. CSP 2011-PR-005 – TYSONS CENTRAL, LLC AND CLYDE'S REAL ESTATE GROUP, INC.
2. PCA 74-5-158-03 – DRW, INC. (Mason District)
3. RZ/FDP 2014-LE-008 – LONG BRANCH PARTNERS, LLC AND PHD ASSOCIATES, LLC

This order was accepted without objection.

//

CSP 2011-PR-005 – TYSONS CENTRAL, LLC AND CLYDE'S REAL ESTATE GROUP, INC. – Appl. under Sect. 12-210 of the Zoning Ordinance for approval of a Comprehensive Sign Plan associated with RZ 2011-PR-005. Located on the N. side of Leesburg Pike, approx. 400 ft. W. of its intersection with Chain Bridge Rd., on approx. 2.62 ac. of land zoned PTC, HC, and SC. Tax Map 29-3 ((1)) 73A, 75A, and 78A. PROVIDENCE DISTRICT. PUBLIC HEARING.

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

*(Start Verbatim Transcript)*

//

Chairman Murphy: Without objection, public hearing is closed. Recognize Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. This is a – probably the shortest sign plan you'll see from Tysons. As Commissioners will have seen in the report, we're talking about one – count it – one sign. Staff has no issues with it. I concur with staff. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE CSP 2011-PR-005, SUBJECT TO THE DEVELOPMENT CONDITIONS WITH THOSE DATED FEBRUARY 24<sup>TH</sup>, 2016. And I'll need a representative of the applicant to come up and accept the development conditions.

Commissioner Flanagan: Second.

Elizabeth Baker, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Good evening. My name is-

Chairman Murphy: Hold on.

Ms. Baker: My name is-

Chairman Murphy: Go ahead, Ms. Baker. Go ahead.

Ms. Baker: My name is Elizabeth Baker. I represent the applicant and we accept the development conditions as proposed.

Commissioner Lawrence: Thank you.

Chairman Murphy: Thank you very much. Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to approve CSP 2011-PR-005, say aye.

Commissioners: Aye.

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

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

*(End Verbatim Transcript)*

//

PCA 74-5-158-03 – DRW, INC. – Appl. to amend the proffers for RZ 74-5-158 previously approved for residential development to permit single-family residential development at a density of 9.52 dwelling units per acre (du/ac) with associated modifications to proffers and site design. Located on the S. side of Edsall Rd., approx. 800 ft. E. of its intersection with Bren Mar Dr., and approx. 1,200 ft. W. of the City of Alexandria boundary line, on approx. 10.71 ac. of land zoned R-12. Comp. Plan Rec: 5-8 du/ac. Tax Map 81-2 ((1)) 8A. MASON DISTRICT. PUBLIC HEARING.

John C. McGranahan, Jr., Applicant’s Agent, Hunton & Williams, LLP, reaffirmed the affidavit dated February 3, 2016.

There were no disclosures by Commission members.

Kelly Atkinson, 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 application PCA 74-5-158-03.

Referring to page 10 of the original staff report dated January 20, 2016, Commissioner Strandlie pointed out that, due to the issuance of a permit by the State of Virginia prior to July 1, 2014, the

proposal was not subject to the existing stormwater management provisions articulated within Article 4 of the Zoning Ordinance. She then noted that the applicant had made significant commitments to stormwater management provisions on the site, which were articulated in the proffers, and asked whether these commitments met or exceeded the stormwater management requirements prescribed by Article 4. Ms. Atkinson indicated that the applicant's commitments for stormwater management would meet these requirements.

Commissioner Strandlie stated that residents of the surrounding community had submitted numerous inquiries regarding a possible interparcel access to the 34-acre Plaza 500 tract on Edsall Road. She then asked why staff had concluded that this interparcel access was not feasible. Ms. Atkinson pointed out the Resource Protection Area (RPA) and floodplain located near the subject property and explained that staff did not support installing an interparcel access through environmentally sensitive areas. She also said that such an access would require a bridge to traverse the floodplain and noted the absence of a planned roadway towards this area. In addition, she stated that Plaza 500 was not scheduled for redevelopment, adding that such redevelopment would require a Comprehensive Plan Amendment. Ms. Atkinson and Commissioner Strandlie concurred that such access would generate significant cut-through traffic through residential area, adding that the presence of private roads for the proposed development would create maintenance issues.

Commissioner Strandlie noted that the density of the proposal was consistent with the recommendations of the Comprehensive Plan. She also stated that residents of the surrounding community had raised concerns regarding the proposal's impact on the local school system. She then pointed out that the applicant was not required to make contributions to the school system because the density of the site would not be increased under the subject application. Commissioner Strandlie said that the proposed development would generate approximately 48 additional students for the local school system and asked how the applicant would address this impact. Ms. Atkinson explained that the applicant had coordinated with the surrounding community to address this concern, stating that the applicant would contribute \$1,000 to the local school system for each additional student the proposal generated for a total contribution of \$99,000. Commissioner Strandlie added that Fairfax County Public Schools (FCPS) did not list the local school system around the subject property as being overcrowded.

Commissioner Strandlie said that residents from the surrounding community had expressed concern about the parking provisions for the proposed development. She then pointed out that the applicant would articulate in both the covenants and the sales materials for the dwelling units that the garages were required to be used for parking. She asked whether staff had concluded that this commitment was sufficient. Ms. Atkinson explained that staff had coordinated with the applicant to ensure that these garages were consistent with the necessary standards to accommodate vehicles and items such as garbage cans, adding that information regarding the use and dimensions of the garages would be disclosed to prospective purchasers. She indicated that these provisions would be articulated in Proffer Number 7, Garages, in the revised set of proffers dated February 25, 2016. (A copy of the revised set is in the date file.)

Referring to Figure 3 on page 4 of the original staff report, which depicted the zoning of surrounding properties, Commissioner Flanagan noted the presence of properties zoned I-5 and I-3. He then asked whether these properties were planned for uses other than industrial. Ms.

Atkinson indicated that there were no outstanding plans to modify the existing zoning of these properties, stating that such a modification would require a Comprehensive Plan Amendment. A discussion ensued between Commissioner Flanagan and Ms. Atkinson, with input from Commissioner Strandlie, regarding the proposed development's proximity to industrial development and the screening provided by the RPA to this industrial development wherein Ms. Atkinson indicated that the RPA contained significant vegetation and Commissioner Strandlie described the existing condition of this RPA, adding that the existing industrial development on the site did not generate significant impact on neighboring properties.

Commissioner Hart noted the difficulty of pursuing infill developments, such as the one proposed by the applicant. He noted the issues regarding the soil quality of the site that had been identified by the applicant in the staff report. Commissioner Hart then expressed concern about the feasibility of the applicant's proposed stormwater management facility, stating that it might be necessary to modify the size and location of this facility to ensure its effectiveness. He added that if these modifications were significantly different compared to the depictions in the staff report, then a Proffered Condition Amendment (PCA) might be required. Ms. Atkinson concurred with Commissioner Hart's statement, adding that the applicant could not encroach onto the RPA when installing this stormwater management facility.

Commissioner Hart asked how the soils on the subject property might hinder the construction of a stormwater management facility. Ms. Atkinson explained that the applicant had not provided sufficient information on this facility to staff or the Geotechnical Review Board (GRB), noting that the applicant had been informed that additional information had to be submitted at the time of site plan review. She stated that the applicant would be required to demonstrate that this facility was consistent with the necessary requirements, adding that such procedures were consistent with similar applications. Commissioner Hart said he supported these procedures, but expressed concern about the soil quality on the site. Ms. Atkinson indicated that the applicant understood that approval of a PCA to implement the necessary stormwater management provisions might be necessary.

Commissioner Hart stated that he supported articulating the interior dimensions of the garages for the dwelling units and indicated that the minimum 11-foot, 7-inch by 19-foot dimensions articulated for these units in Proffer Number 7 was sufficient. However, he expressed concern about the location of the door within the garage, stating that there might not be sufficient space for individuals to maneuver once a vehicle was parked within this space. Commissioner Hart noted the importance of ensuring that the garages for the dwelling units functioned as parking spaces to ensure that the parking provisions for the proposed developments were sufficient, citing incidents in other developments where this had been an issue. In addition, he said that he favored standardizing the dimensions of garages for future applications.

Commissioner Strandlie addressed Commissioner Hart's concern regarding the ability for individuals to maneuver within the garage of a dwelling unit once a vehicle was parked, noting that the dimensions of these garages provided sufficient space with the presence of an average-sized vehicle. She added that the applicant had committed to ensuring that the garages for the proposed dwelling units on the site were functional.

Mr. McGranahan commended staff for coordinating with the applicant on the proposal. He then gave a presentation wherein he explained the following:

- The applicant had initially intended to construct a by-right townhouse development on the subject property, but these plans were revised because there was no detailed layout for such a development;
- The subject application gave the applicant the opportunity to provide a layout for the proposed development;
- The subject property was zoned R-12 in the 1970s and this zoning was consistent with the density of the surrounding community;
- The existing provisions for the subject property permitted up to 153 dwelling units, but the applicant had initially proposed 108 dwelling units;
- The number of dwelling units for the proposed development was subsequently reduced from 108 units to 99 units to accommodate additional open space, improve the layout, facilitate pedestrian traffic, and address concerns from staff and the surrounding community regarding the density of the proposal;
- The density of the proposed development would be 9.2 dwelling units per acre, which was lower than the prescribed density for an R-12 District;
- The two neighboring developments located near the subject property, the Jefferson Green and the Isabella, utilized a higher density than that proposed by the subject application;
- The lower density of the proposed development, compared to that of the surrounding community, was consistent with that of the surrounding area;
- The school contribution, as articulated in Proffer Number 43, Bren Mar Park Elementary School, was submitted voluntarily by the applicant and had not been required because the proposed development would not increase the existing zoned density for the site;
- The applicant's school contribution was intended to alleviate potential overcrowding on the surrounding school system;
- The applicant addressed concerns from the surrounding community regarding the setbacks along Edsall Road when the number of dwelling units in the proposed development had been reduced from 102 to 99, which permitted the installation of additional landscaping and subsequently increased the setback from 80 feet to 155 feet;
- The provisions articulated in Proffer Number 5, Design and Materials, provided sufficient flexibility to modify the width of the dwelling units to address community concerns regarding the size of these units;

- The proposal would exceed the parking provision requirement of 2.7 spaces per single-family attached dwelling unit prescribed by the Zoning Ordinance by providing 79 visitor parking spaces in addition to the spaces provided by the garages and driveways;
- The 79 visitor parking spaces provided under the proposal would be sufficiently distributed throughout the site;
- The applicant had articulated the minimum dimensions for the garages of the dwelling units for the proposed development, as depicted in Proffer Number 7, and this language included provisions that required the garages to be used for parking;
- The prospective purchasers of the dwelling units would be sufficiently informed of the dimensions of the garages and the prohibitions for utilizing these garages for purposes other than parking;
- The residents of the proposed development would share the existing shuttle service to the Van Dorn Metrorail Station utilized by the Isabella community on a pro rata basis;
- The cost of the maintenance for the private roads would be shared on a pro rata basis with the Isabella community and this cost would be determined by the number of dwelling units;
- The applicant would provide a minimum of 50 percent open space on the subject property, which was greater than the 25 percent minimum prescribed by the Zoning Ordinance;
- The applicant would purchase a membership for the Bren Mar Recreation Association for each dwelling unit, as articulated in Proffer Number 44, Bren Mar Recreation Association;
- The residents and the condominium unit owners' association would be responsible for maintaining their membership of the Bren Mar Recreation Association;
- The applicant would implement appropriate measures to ensure that construction activity on the subject property would not negatively impact the surrounding community and these measures were articulated in Proffer Numbers 39 through 42;
- The proposal had sufficient flexibility to permit rooftop terraces for the dwelling units, but these terraces could not be utilized for storage and this provision had been included to address concerns raised by the Mason District Land Use Committee;
- The Mason District Land Use Committee had voted to recommend approval of the subject application; and
- The minimum dimensions for the garages of the proposed dwelling units provided sufficient space to accommodate both a vehicle and trash receptacles.



Commissioner Lawrence pointed out that the average size of vehicles was subject to change due to economic factors and the applicant could not reasonably account for such factors.

Commissioner Strandlie addressed this concern, reiterating that the provisions of Proffer Number 7 required that prospective buyers be informed of the garage's dimensions and the requirement that this garage be utilized for parking. She added that prospective purchasers would utilize this information in determining whether to purchase a unit.

Commissioner Strandlie stated that the Workforce Dwelling Units (WDUs) on the site would be two feet shorter and two feet narrower compared to the market-rate dwelling units. She then asked whether the garages for these units would be the same. Mr. McGranahan indicated that the dimensions for the garages for the WDUs would be the same.

Commissioner Strandlie said that the surrounding community had expressed concern about the buffer along Edsall Road and asked how the applicant had committed to addressing these concerns. Mr. McGranahan explained that this buffer had been significantly improved by reducing the number of units in the proposed development from 102 to 99 because it created additional space in which the applicant could supplement the landscaping. In addition, he pointed out that the applicant had also improved the landscaping between Edsall Road and the proposed stormwater management facility. Mr. McGranahan also addressed Commissioner Hart's concerns regarding the functionality of this facility, stating that the applicant would utilize the necessary features to ensure its effectiveness. He acknowledged staff's concerns regarding the stormwater management facility, but indicated that these concerns could be addressed at the time of site plan review. Mr. McGranahan pointed out that Proffer Number 29, Evergreen Plantings, articulated the provisions for supplementing the buffer between Edsall Road and the proposed stormwater management facility on the site.

Commissioner Hart noted that the design and layout for the proposed dwelling units on the subject property would not be sufficient to accommodate a shed in the backyard. He then expressed concern about the ability for the residents of these units to adequately store equipment for lawn maintenance or other items, such as bicycles.

Commissioner Hart pointed out that the Typical Lot Detail on Sheet C-5 of the Generalized Development Plan (GDP) in the original staff report depicted a measure of flexibility for the proposed dwelling units that allowed these units to accommodate a deck. He then noted that there had been instances with other developments where residents of a dwelling unit had been required to obtain a Final Development Plan Amendment (FDPA) to permit a deck because there had not been sufficient flexibility with the initial development. He suggested that the applicant review this issue during the deferral period to ensure that an FDPA was not necessary for a resident seeking to install a deck.

Referring to Sheet C-5 of the GDP in the original staff report, Commissioner Hart noted that there was language on this sheet indicating that the applicant would reserve the right to amend the GDP to permit the construction of 153 dwelling units approved under the previously-approved provisions of PCA 74-5-158-02. A discussion ensued between Commissioner Hart and Mr. McGranahan regarding the application of this language wherein Mr. McGranahan explained

that the applicant would still be required to submit a PCA because such an approval was necessary to amend the GDP.

Referring to Sheet C-2 of the GDP in the original staff report, Commissioner Hart pointed out that Note Number 28 indicated that the applicant would reserve the right to utilize the bulk regulations under Section 3-1210 of the Zoning Ordinance if the WDUs for the proposed development were approved. A discussion ensued between Commissioner Hart and Mr. McGranahan, with input from Ms. Atkinson, regarding the purpose of this note wherein Mr. McGranahan and Ms. Atkinson explained the following:

- The language in Note Number 28 had been included to provide sufficient flexibility in modifying the height of the roof, which permitted a maximum height of 35 feet for a dwelling unit in an R-12 District and precluded the installation of a basement;
- The additional flexibility provided by Note Number 28 permitted additional height for the dwelling units, which accommodated modifications to the architecture of the units;
- The Zoning Ordinance permitted additional flexibility for the architecture of WDUs if such units were approved with a development;
- The applicant was providing WDUs with the proposal, but these units were not provided in accordance with the prescribed policies articulated in the Zoning Ordinance;
- The review conducted by staff had concluded that the applicant's request for flexibility for the architecture of the WDUs was appropriate;
- The Zoning Administrator had determined that since the applicant was not in accord with the WDU policy prescribed by the Zoning Ordinance, the language in Note Number 28 was necessary to ensure that the applicant could obtain the necessary permits; and
- The applicant was not required to provide WDUs because the proposal would not increase the zoned density of the site, but a proffer from a previously-approved application required that affordable housing be provided within the development and including the WDUs as a voluntary commitment would comply with the provisions of this proffer.

When Commissioner Hart asked whether the Board of Supervisors could permit the construction of townhouses at a greater height than that prescribed by the Zoning Ordinance, Kristen Abrahamson, ZED, DPZ, said that such construction could be permitted to accommodate WDUs for a development. She added that the language in Note Number 28 on Sheet C-2 of the GDP would ensure that the WDUs in the proposal sufficiently complied with the policies prescribed by the Zoning Ordinance.

Commissioner Hurley expressed concern regarding the scope of the provisions articulated in Proffer Number 7, stating that the language did not require that a resident who owned a vehicle that could not fit in the garage had to sell this vehicle. Mr. McGranahan concurred that this

proffer did not require a resident to sell their vehicle if it could not fit into the garage. A discussion ensued between Commissioner Hurley and Mr. McGranahan, with input from Ms. Abrahamson, regarding the impact of residents who owned large vehicles and the applicability of Proffer Number 7 wherein Mr. McGranahan and Ms. Abrahamson explained the following:

- The provisions of Proffer Number 7 did not include language that prohibited vehicles from parking in the driveway or require the sale of vehicles that were too large to fit in the garage;
- The policies prescribed by the homeowners association would govern the parking of large vehicles; and
- The intent of Proffer Number 7 was to inform residents of the dimensions of the garage and that these garages must be utilized for parking vehicles.

Commissioner Strandlie addressed Commissioner Hurley's concerns regarding residents who owned large vehicles, reiterating that the provisions of Proffer Number 7 were intended to inform prospective purchasers of the dwelling units of the dimensions of the garages and the policies of the community regarding the usage of the garage. She added that the length of the driveways was approximately 18 feet, which was sufficient to accommodate most vehicles.

Commissioner Strandlie pointed out that there were methods for storing equipment within a garage without hindering its ability to accommodate a vehicle, such as storage devices that were mounted on the ceiling or walls. She also addressed Commissioner Hart's concerns regarding the maintenance of the landscaping for the proposed development, stating that such maintenance would be provided by a contracted service to ensure that the landscape for each dwelling unit was sufficiently maintained.

In response to questions from Chairman Murphy, Mr. McGranahan said that the proposed development could function either as a condominium association or as a fee simple community, adding that the applicant preferred to function as a condominium association. He stated that this function would be determined at the time of site plan review. A discussion ensued between Chairman Murphy and Mr. McGranahan, with input from Ms. Abrahamson and Ms. Atkinson, regarding the process for determining which method the applicant would utilize, the extent to which these procedures were standard for such a development, and the manner in which these methods would fund the maintenance of the proposed development wherein Mr. McGranahan, Ms. Atkinson, and Ms. Abrahamson indicated the following:

- The method by which a development would function was not determined by staff;
- The fee structure for the proposed development would be subject to review by the County Attorney at the time of site plan review;
- The surrounding communities operated as condominium associations and while the applicant preferred to function in a similar manner, the option to utilize a fee simple community would be retained; and

- The option to function as a condominium association would provide more open space.

Commissioner Lawrence suggested that the applicant study the policies of similar developments that had included information for prospective purchasers regarding certain policies of the community. He added that he favored ensuring that these policies were retained through ownership transfers of the dwelling units.

Responding to questions from Commissioner Sargeant, Mr. McGranahan confirmed that there was an existing traffic island located on the private road that connected with Edsall Road and Ms. Atkinson indicated that a portion of this island would be retained, adding that this remaining portion would be located closer to Edsall Road. In addition, Mr. McGranahan said that these modifications to the traffic island were made at the request of the neighboring community to accommodate a relocation of the gate. He added that the Fairfax County Department of Transportation voiced no objections to these modifications.

Commissioner Sargeant asked whether the proposed design for the private roads within the proposed development had been evaluated by the Fairfax County Department of Fire and Rescue (FCDJR), expressing concern that an emergency vehicle would not be able to sufficiently maneuver on these roads. Ms. Atkinson stated that FCDJR had reviewed the proposal and voiced no objections. She added that the applicant had provided diagrams depicting how emergency vehicles would make the appropriate turns and indicated that this diagram had been approved by the Fire Marshal.

Commissioner Sargeant asked how concerns raised by staff and the surrounding community regarding the soil quality and the feasibility of the proposed stormwater management facility on the site had been resolved. Mr. McGranahan explained that these concerns were addressed by the provisions of Proffer Number 36, Geotechnical Review and Approval, which required that the previously-approved preliminary geotechnical report conducted for the site be updated based on the final site grading and engineering plans, in accordance with the requirements prescribed by the Public Facilities Manual. In addition, he stated that this proffer required that the applicant submit this final geotechnical review to the GRB through the Department of Public Works and Environmental Services for approval. Mr. McGranahan stated that the recommendations made by the GRB with this final geotechnical review would be implemented by the applicant, provided that these measures were consistent with the proffers and the GDP. In addition, he said that if the measures prescribed by the GRB were not consistent with the GDP, then the applicant would be required to submit a PCA.

When Commissioner Sargeant asked for additional information on who would be responsible for maintaining the stormwater management facility on the site, Mr. McGranahan indicated this facility would be maintained by the applicant. He also said that the provisions for the maintenance was articulated in Proffer Number 35, Maintenance, adding that this provision was included to address concerns from residents of a neighboring community regarding the maintenance of this facility.

Commissioner Sargeant echoed concerns from Chairman Murphy regarding the difference between a condominium association and a fee simple method of operation, stating that a fee

simple method might not be capable funding the necessary maintenance for the proposed development.

In reply to questions from Commissioner Flanagan, Mr. McGranahan pointed out the location of the WDUs on the proposed development and Ms. Atkinson confirmed that these units were clustered within a certain area of this development. Commissioner Flanagan then expressed concern about the impact of clustering WDUs within a certain area, citing instances in other developments where such practices had incurred negative effects on the accommodations of these WDUs. He also expressed concern that the architecture and design of the WDUs in the proposed development would be substantially different than the market rate units. Mr. McGranahan addressed this concern, stating that the WDUs would utilize similar architecture compared to the market rate units and this policy was articulated in Proffer Number 38, Workforce Dwelling Units. He then explained that the additional flexibility requested by the applicant for these WDUs was intended to ensure that the dimensions of the garages were consistent with that of the market rate units. Commissioner Flanagan said that he did not object to the applicant's provisions for WDUs, but indicated that he favored dispersing WDUs throughout a development.

Referring to the conceptual elevations shown on Sheet A-1 of the GDP, Commissioner Flanagan asked about the size of the backyards for the dwelling units and the possibility that these units could include a deck or shed. Mr. McGranahan said that such features were optional. A discussion ensued between Commissioner Flanagan and Mr. McGranahan, with input from Ms. Atkinson and Ms. Abrahamson, regarding the standard features of a dwelling unit within the proposed development and the ability of these units to accommodate features such as decks wherein Ms. Abrahamson said that the property lines for the dwelling units would be different under a fee simple method of operation compared to that of a condominium association and Ms. Atkinson indicated that applicant's design for the decks were consistent with the provisions prescribed by the Zoning Ordinance.

A discussion ensued between Commissioner Flanagan and Mr. McGranahan, with input with Ms. Abrahamson and Ms. Atkinson, regarding the location of trees that would be planted throughout the proposed development, the possibility that trees could be planted along the street in front of the dwelling units, and the impact of these trees on the character of the development wherein Ms. Abrahamson indicated that there would be limited space for planting trees in front of dwelling units and Ms. Atkinson said that the applicant had provided additional depictions that identified lots suitable for plantings.

Commissioner Strandlie stated that the Mason District Land Use Committee favored utilizing a condominium association as a method of operation instead of a fee simple method. However, she noted that utilizing a condominium association would incur larger fees for the residents and expressed concern regarding the impact of these fees on the WDUs.

Commissioner Strandlie stated that the applicant's commitments for landscaping and tree plantings were sufficient. In addition, she said that there had been concerns regarding the impact of utility lines on the applicant's ability to plant trees and indicated that the applicant had accounted for this issue when finalizing the landscaping plan.

Commissioner Hart said that the applicant's designs for the lots in the proposed development could not accommodate the installation of a shed. Ms. Abrahamson concurred, stating that the elevations in Sheet A-1 of the GDP did not depict a shed.

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

Richard Newman, 5653 Independence Circle, Alexandria, representing the Jefferson Green Condominium Association, said that he did not support the subject application in its current form. He then suggested the following modifications to the proposal:

- The installation of a traffic signal at the intersection of Independence Circle and Edsall Road; and
- The reduction of the overall density of the proposed development.

Referring to his statement, Mr. Newman described other developments along Edsall Road and noted the existing traffic conditions at the intersection of Independence Circle and Edsall Road, stating that this area had been subject to numerous traffic hazards. He also pointed out that the density of the proposed development would significantly increase the amount of impervious surface on the subject property. In addition, Mr. Newman stated that such density would negatively impact the land values of the neighboring communities. He then suggested that the proposed development be modified to contain between 55 and 86 dwelling units with two-car garages, stating that a development at this density would accommodate additional buffer and green space while mitigating the parking impact on neighboring communities. Mr. Newman added that he favored removing the dwelling units located adjacent to the Jefferson Green community and along Independent Circle, noting that the design for the units was not consistent with those of Jefferson Green. He also described the property values of the dwelling units of the surrounding community, pointing out that units with a two-car garage had higher property values compared to those with a one-car garage. Mr. Newman then stated that if the applicant would not reduce the density of the proposed development, then he favored additional modifications to the development's parking provisions to alleviate the impact on Jefferson Green. (A copy of Mr. Newman's statement is in the date file.)

Sin Suen, 6301 Edsall Road, Unit 216, Alexandria, representing the Isabella Condominium Association (ICA), said the ICA had coordinated with the applicant to address the concerns of the surrounding community. He then said that while the applicant had addressed most of these concerns in the proffers, there were still unresolved issues. Mr. Suen stated that he did not support the provisions of Proffer Number 22, On-Site Trail, which stated that the on-site trail that would connect with a park would become public once this park was sufficiently improved. He expressed concern about the safety and maintenance of this trail if it were converted into a publicly accessible trail and asked whether there were ongoing plans to improve this park, stating that he favored providing additional opportunities for community input on such improvements. Mr. Suen aligned himself with Mr. Newman regarding the need for a traffic signal at the intersection of Independence Circle and Edsall Road and the traffic hazards incurred by the existing condition of this intersection. In addition, he stated that the increased pedestrian traffic generated by the proposed development would incur additional safety hazards for those accessing nearby recreational facilities. Mr. Suen also expressed concern about the impact of the

tree plantings on the private road utilized by residents of the Isabella Condominium, stating that the trees could affect the sight-lines for vehicles entering and exiting the community. (A copy of Mr. Suen's statement is in the date file.)

Eric Vanderpoel, 6272 Kingfisher Lane, Alexandria, representing the Overlook Foundation, voiced opposition to the subject application for the following reasons:

- The density of the proposed development was too high;
- The applicant's contribution to FCPS was not sufficient;
- The size and designs of the homes was not consistent with those of the surrounding community; and
- The proposed development would incur a negative traffic impact on the surrounding communities.

Mr. Vanderpoel echoed remarks from Mr. Newman regarding the greater feasibility of a lower density development. He pointed out that the majority of the open space provided by the subject application would be in a (Resource Protection Area) RPA and flood plain, adding that the proposed development would install significant amounts of impervious surface on a concentrated area. Mr. Vanderpoel also noted that the size of the yards for the dwelling units would be small due to the density of the proposed development. In addition, he indicated that the applicant's contribution to FCPS would be sufficient for an additional 9 students, but the estimated increase in enrollment generated by the proposal was approximately 40 students. Mr. Vanderpoel echoed remarks from Mr. Newman regarding the differences in architecture between the dwelling units of the proposed development and the units of neighboring communities, stating that the units in the proposed development were too large and would incur a negative visual impact on these communities. He noted the existing traffic patterns along Edsall Road and requested that the applicant provide additional provisions to alleviate this traffic, adding that he did not support the installation of a traffic signal at Independence Circle and Edsall Road, as suggested by previous speakers.

Commissioner Strandlie reiterated that the applicant was not required to contribute to FCPS because the proposed development would not increase the zoned density for the site and the commitments articulated in Proffer Number 43 were voluntary. A discussion ensued between Commissioner Strandlie and Mr. Vanderpoel regarding the applicant's proffered contribution to FCPS, the reason why the applicant was not required to make additional contributions, the need for additional contributions to FCPS, and the existing levels of enrollment in the local school system.

Chairman Murphy called for speakers from the audience.

Lisa Carr, 5551 First Statesman Lane, Alexandria, voiced opposition to the proposal because of the following concerns:

- The buffer between the proposed development and the Jefferson Green community was not sufficient;
- The high density and insufficient buffer would incur a negative visual impact on the Jefferson Green community;
- The Jefferson Green community was at a lower grade than the subject property, which would increase the visual impact of the proposed development; and
- The applicant had not sufficiently coordinated with the Jefferson Green community to address the concerns of the residents.

(A copy of Ms. Carr's statement is in the date file.)

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. McGranahan, who stated the following:

- The concerns raised regarding the absence of a traffic signal at the intersection of Independence Circle and Edsall Road would be addressed by the provisions of Proffer Number 16, which stated that the applicant would conduct a warrant study for such a signal and would subsequently install this signal, subject to the approval of the Virginia Department of Transportation;
- The trail that would connect to an off-site public park would be subject to a public access easement, but this trail would only be utilized by residents of the proposed development and the Isabella community until the off-site park was improved, as articulated in Proffer Number 22;
- The applicant had coordinated with staff to provide sufficient open space within the proposed development to limit the amount of impervious surface;
- The proposed development would include sufficient buffering to screen the dwelling units from the Jefferson Green community;
- The memorandum dated June 8, 2015, in Appendix of the original staff report from FCPS stated that the subject application would not impact the amount of estimated student enrollment for the local school system, but the applicant's voluntary contribution to FCPS was supported;
- The density of the proposed development was consistent with the Comprehensive Plan's recommendation for the subject property; and
- The proposed development was consistent with the surrounding communities and provided an adequate transition between the industrial development to the east and the residential development to the west.



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 Strandlie for action on this case.

*(Start Verbatim Transcript)*

//

Chairman Murphy: Public hearing is closed. Ms. Strandlie.

Commissioner Strandlie: Okay. Now it's time.

Chairman Murphy: Now.

Commissioner Strandlie: Now it's time. Okay, thank you. I just want to extend my thanks and appreciation to the community for your very thoughtful comments and suggestions. I think this has been a very collaborative process. We will continue to refine this through the deferment period so we look forward to working with you on that. With that, Mr. Chairman, I WOULD LIKE TO MOVE THAT THIS MATTER, APPLICATION PCA 74-5-158-03, BE DEFERRED TO A DATE CERTAIN OF MARCH 16, WITH THE RECORD REMAINING OPEN.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to defer decision only on PCA 74-5-158-03 to a date certain of March 16<sup>th</sup>, with the record remaining open for comment, say aye.

Commissioners: Aye.

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

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

*(End Verbatim Transcript)*

//

The Commission went into recess at 10:08 p.m. and reconvened in the Board Auditorium at 10:22 p.m.

//

RZ/FDP 2014-LE-008 – LONG BRANCH PARTNERS, LLC  
AND PHD ASSOCIATES, LLC – Appls. to rezone from R-1 to PDH-3 to permit residential development with an overall density of 2.28 dwelling units per acre (du/ac) and approval of the conceptual and final development plan. Located N. of and abutting

the terminus of the un-constructed Thomas Grant Dr. right-of-way,  
on approx. 15.33 ac. of land. Comp. Plan Rec: 3-4 du/ac. Tax Map  
90-4 ((1)) 17. LEE DISTRICT. JOINT PUBLIC HEARING.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated February 23, 2016.

Commissioner Sargeant disclosed that an individual listed on the affidavit had contributed funds to his campaign for Mount Vernon District Supervisor; therefore, he recused himself from this case.

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.

Commissioner Migliaccio announced his intent to defer the decision only for this case at the conclusion of the public hearing.

Michael Van Atta, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of applications RZ/FDP 2014-LE-008.

Answering questions from Commissioner Migliaccio, Mr. Van Atta explained the following:

- The proposed development would not install structures within the existing floodplain or Resource Protection Area (RPA);
- The subject application had been subject to two preliminary reviews by the Fairfax County Geotechnical Review Board (GRB) and would be subject to an additional review at the time of site plan review, which would focus on the engineering issues associated with the proposed development and make appropriate recommendations;
- The neighboring Island Creek subdivision located to the southeast of the site was zoned PDH-4 and the Amberleigh subdivision located to the northeast was zoned R-5;
- The Comprehensive Plan recommended 3 to 4 dwelling units per acre for the subject property, but the density credit permitted a maximum density of 3.12 dwelling units per acre; and
- The density of the proposed development was 2.28 dwelling units per acre, which was below the 3.12 dwelling units per acre permitted on the site.

Referring to the revised set of proffers dated March 7, 2016, Commissioner Hart said he supported the inclusion of Proffer Number 21, Signs, which prohibited the use of temporary

signs and popsicle signs on the subject property. He then suggested that this proffer be incorporated into Proffer Number 17, Signs, which required signs on the site to conform to the provisions of Article 12 of the Zoning Ordinance. Mr. Van Atta did not object to this modification. (A copy of the revised set is in the date file.)

Referring to Proffer Number 11E, which required that the garages of the dwelling units in the proposed development have a minimum width of 18 feet or be counted as a parking space to meet the minimum requirements prescribed by the Zoning Ordinance, Commissioner Hart stated that the depictions of the garage on Sheet 12 of the Conceptual Development Plan/Final Development Plan (CDP/FDP) in the staff report did not adequately reflect this provision and suggested that this issue be addressed during the deferral period. In addition, Commissioner Hart expressed concern that the 18 feet for the width of the two-car garages for the dwelling units would not be sufficient, citing a previously-approved development in Merrifield that utilized similar dimensions that were not functional. He added that the locations of the access doors in these garages would create additional constraints for the dwelling units and noted the importance of providing enough space for trash cans.

Referring to Proffer Number 11B, which required that the driveways of the dwelling units within the proposed development be a minimum of 20 feet in length, Commissioner Hart expressed concern this length was not consistent with the Typical Lot Detail shown on Sheet 2 of the CDP/FDP, noting that this depiction indicated that certain lots would utilize driveways of approximately 15 feet in length. Mr. Van Atta addressed this concern, pointing out that the 15 feet length mentioned in the Typical Lot Detail did not refer to the length of the driveway. Kristen Abrahamson, ZED, DPZ, added that this 15 feet length did not include potential overhangs on certain dwelling units and indicated that the driveways would be consistent with the provisions articulated in Proffer Number 11B. Commissioner Hart then noted the importance of providing sufficient parking provisions for the proposed development, noting the constraints of the subject property.

Ms. Strobel gave a presentation on the subject applications wherein she explained the following:

- The subject applications was originally filed in March 2014 and staff had consistently recommended approval throughout the review process;
- The subject property was approximately 15.3 acres, was located at the terminus of Thomas Grant Drive, and was owned by the O'Connell family;
- The subject property had not been consolidated with the neighboring Island Creek development when this development was rezoned, but access to the subject property through Thomas Grant Drive had been proffered as part of this previously-approved development;
- The applicant had reduced the density of the proposed development during staff's review of the subject applications and the current proposal would construct 35 single-family

attached dwelling units at 2.2 dwelling units per acre, which was below the 3 to 4 dwelling units per acre recommended by the Comprehensive Plan;

- The proposal had been subject to numerous revisions such as increasing the amount of open space, increasing the size of the active recreation area, and modifying the stormwater management facility on the site to ensure that it was located above-grade;
- The subject property had been documented as having issues regarding soil quality, but the applicant had conducted numerous studies of this soil in conjunction with the GRB and the proposed development had been designed to accommodate these conditions;
- The proposed development had been subject to a grading plan and a review of the applicant's stormwater management provisions;
- The width of the garages for the dwelling units of the proposed development would be approximately 20 feet for one-car garages and 22 feet for two-car garages;
- The parking provisions articulated within the subject applications, which included the parking provided by the garages and the on-site parking spaces, were consistent with the requirements prescribed by the Zoning Ordinance;
- The driveways of the proposed dwelling units in the proposed dwelling units would be a minimum of 20 feet in length, which was sufficient to accommodate vehicles; and
- The subject applications had the support of the Lee District Land Use Committee.

Commissioner Migliaccio asked for additional information about the applicant's efforts to conduct outreach to the surrounding communities, noting that residents from these communities had submitted concerns regarding the extent of these efforts. Ms. Strobel explained that the applicant had conducted multiple meetings with the Amberleigh subdivision and no objections had been expressed at these meetings. She also said that the applicant had met with the Landsdowne subdivision and indicated that while members of the Board of Directors had expressed support for the proposal, an official vote of support had not been submitted. In addition, Ms. Strobel stated that the applicant had met with representatives of the Island Creek subdivision and noted that information regarding studies of the soil quality on the site, proffer contributions, and stormwater management had been provided.

Referring to Proffer Number 11E, Commissioner Hart recommended that the language of this proffer be modified to clarify the width of the garage compared to the width of the overall dwelling unit. Ms. Strobel did not object to such a modification. A discussion ensued between Commissioner Hart and Ms. Strobel regarding the appropriate dimensions for garages in single-family attached dwelling units and the parking provisions of the proposed development wherein Ms. Strobel reiterated that the applicant's parking provisions would be sufficient, adding that Thomas Grant Drive was a public street that could accommodate additional street parking.

In reply to questions from Commissioner Hart, Ms. Strobel confirmed that the proposed development would include retaining walls and these walls would range in height from 0 to 12 feet, depending on the topography of the site. She also indicated that each dwelling unit would contain a pad of flat land in the backyard. A discussion ensued between Commissioner Hart and Ms. Strobel, with input from David McElhaney, Applicant's Engineer, Urban Engineering & Associates, Inc. t/a Urban Ltd., regarding the slope of the land beyond the retaining walls for the dwelling units and the features that would be included with the retaining wall wherein Mr. McElhaney described the retaining walls and the backyards of the dwelling units, noting the differences in height at various locations throughout the subject property.

Commissioner Flanagan expressed concern regarding potential safety hazards that could be generated by the retaining walls, citing instances in other subdivisions where such features had been hazards for children. He then asked about the maximum height of the retaining wall and the presence of features that would address these safety hazards. Mr. McElhaney indicated that the retaining walls would include a three-foot railing to ensure the safety of these walls. A discussion ensued between Commissioner Flanagan and Mr. McElhaney, with input from Ms. Strobel, regarding the height of the retaining walls and the extent of the safety features included with these walls wherein Mr. McElhaney noted that the maximum height of the retaining walls would be 12 feet and the rails provided by the applicant were consistent with the County Code.

A discussion ensued between Commissioner Flanagan and Ms. Strobel, with input from Mr. Van Atta, regarding the area around the site owned by the neighboring Amberleigh subdivision, the area owned by the Fairfax County Park Authority (FCPA), the subject property's proximity to the Island Creek subdivision, and the method for accessing the subject property wherein Ms. Strobel confirmed that the proposed development did not abut Island Creek, but explained that access to the site would be granted by an extension to Thomas Grant Drive, which was part of a proffer that had been included in the development for Island Creek.

Chairman Murphy called the first listed speaker.

Jeffrey Saffelle, 7701 Mary Beth Way, Alexandria, representing the Island Creek Community Association (ICCA), voiced opposition to the subject applications because the density of the proposed development was too high for a site that contained environmentally sensitive features. He noted the topography and existing slope of the area around the site and expressed concern that the proposed development could negatively impact the dwelling units in the surrounding communities. Mr. Saffelle stated that, despite the applicant's commitment in Proffer Number 19E, Construction Activity, to provide \$4.65 million for the general liability of these surrounding dwelling units, the potential impact to the soil and landscape generated by the proposed development would be too great. He cited instances at other sites in the Lee District and the Lorton area where construction activity had incurred significant damage to the surrounding landscape. Mr. Saffelle said that the ICCA had coordinated with a geotechnical review firm to study the soil of the subject property and the ICCA had concluded that the applicant's provisions for addressing these soil conditions were insufficient. He then noted that the environmentally sensitive nature of the site could not accommodate the provisions of a PDH-4 zoning, adding that the presence of steep slopes and an RPA created additional constraints. Mr. Saffelle said he favored revising the proposed development at a lower density to ensure that the dwelling units

would be constructed on appropriate areas within the site in a manner that did not significantly impact the environmentally sensitive features. In addition, he expressed concern that the proposed development would not provide sufficient space to accommodate emergency vehicles, noting that the applicant was requesting a waiver to reduce the emergency turnaround from 60 feet to 30 feet. (A copy of Mr. Saffelle's statement is in the date file.)

Addressing Mr. Saffelle's concern regarding the applicant's request for a waiver to reduce the emergency turnaround on the site from 60 feet to 30 feet, Commissioner Migliaccio explained that this waiver had been requested to reduce the amount of impervious surface on the site, which would mitigate the proposed development's impact on the soil. He added that this waiver had been reviewed by the Fire Marshall, Fairfax County Public Schools, the Fairfax County Department of Transportation, and the Virginia Department of Transportation and no objections were expressed.

Commissioner Flanagan commended Mr. Saffelle for his testimony. He then pointed out that some of the instances he cited where construction activity had generated a significant impact on the surrounding landscape had occurred at sites that did not utilize retaining walls. He stated that the proposed development included retaining walls, which would mitigate this impact.

Sohna Sallah, 7701 Mary Beth Way, Alexandria, spoke in opposition with the subject application. She aligned herself with Mr. Saffelle's concerns regarding the proposal's impact on the surrounding environment and the nearby residential communities. She also expressed concern about the safety impacts of the proposal, noting the possibilities of landslides caused by the construction of the proposed development and the environmental features of the site. Ms. Sallah then stated that the applicant's \$4.65 million commitment to the liability of the proposal's impact on the surrounding properties was insufficient. In addition, she noted the proposed development's proximity to a floodplain. (A copy of Ms. Sallah's statement is in the date file.)

A discussion ensued between Commissioner Migliaccio and Ms. Sallah, with input from Mr. Van Atta, regarding the proposed development's proximity to the floodplain, the impact of the development on the floodplain, and the extent to which the subject property had been studied by staff and residents of the surrounding community.

Carolyn Junemann, 7700 Ousley Place, Alexandria, voiced opposition to the subject applications due to concerns regarding the density of the proposed development, the potential safety impacts that would be incurred, and the environmental impact on the surrounding community. She noted that the Lee District Land Use Committee had initially opposed the proposal and stated that the density of the proposed development had not been reduced to sufficiently mitigate the impact, adding that the inclusion of retaining walls could generate additional environmental impacts on the surrounding landscape. Ms. Junemann indicated that her property was located near a slope, noting that the soil quality of the subject application increased the possibility of a negative environmental impact. In addition, she cited instances of negative environmental impacts at other sites throughout the County in which the soil conditions were similar. Ms. Junemann stated that she did not concur with the GRB's conclusion that the soil on the subject property could accommodate the proposed development, as articulated in the memorandums from the GRB included in Appendix 10 of the staff report addendum.

A discussion ensued between Chairman Murphy and Ms. Junemann regarding the location of her property compared to the location of the subject property.

Kwabena Ofori-Awuah, 7550 Thomas Grant Drive, Alexandria, spoke in opposition to the proposal. He said that he was a geotechnical engineer who had been hired by the ICCA. He stated that he had studied the soil and topography of the subject property and indicated the prevalence of marine clay that had been observed on the property. He then noted the difficulty of building atop such soil. Mr. Ofori-Awuah pointed out the steepness of the slope on the site and expressed concern about the stability of this slope, stating that the retaining walls that would be installed under the subject applications would not sufficiently improve this condition. He then said that after reviewing the site, he concluded that the GRB's conclusions regarding the feasibility of the proposed development was not sufficient and such a development would negatively impact the stability of the slope.

Replying to questions from Commissioner Migliaccio, Mr. Ofori-Awuah indicated that he had not conducted any borings during his review of the site. He then explained that the site could be developed in a manner that would not incur a negative impact on the stability of the slope, but noted that further analysis of the site was necessary to ensure that the design of a development was sufficient.

John Harvey, 6519 Birchleigh Way, Alexandria, representing the Amberleigh Homeowners Association (AHOA), voiced opposition to the proposal. He stated that the Amberleigh community had not been sufficiently informed about the subject applications. He then expressed concern about the visual impact the proposed development would incur on the Amberleigh community. Mr. Harvey also said that the existing trail system around the surrounding property was insufficient and the proposed development would not significantly improve this system, adding that improving this trail system would increase pedestrian and bicycle traffic towards the Franconia-Springfield Metrorail Station. He indicated that he favored developing the subject property as a park facility with a high-capacity trail system and briefly described the type of trail system that the property could accommodate.

A discussion ensued between Chairman Murphy and Mr. Harvey regarding the ownership status of the subject property and the land around it wherein Mr. Harvey pointed out the portions of land owned by the Amberleigh, the Island Creek communities, and the County.

Commissioner Migliaccio stated that the Lee District Land Use Committee had discussed the possibility of purchasing portions of the subject property during its review of the proposal, but the FCPA did not have sufficient funds. A discussion ensued between Commissioner Migliaccio and Mr. Harvey regarding the feasibility of park facilities and trail systems on the subject property.

When Commissioner Migliaccio asked Mr. Harvey whether he had been authorized to speak on behalf of AHOA, he indicated that he was authorized and provided documentation stating as such. (A copy of this document is in the date file.)

Commissioner Migliaccio said that the proposed development would not preclude improvements to the existing trail system around the site and noted the benefits of the provisions included in the subject applications compared to those of a by-right development, adding that a by-right development would incur a greater visual impact on the Amberleigh community.

A discussion ensued between Commissioner Flanagan and Mr. Harvey regarding the availability of funds to improve the existing trail system in the areas surrounding the subject property wherein Mr. Harvey said that he supported these efforts.

Commissioner Migliaccio suggested that Mr. Harvey review the County's Master Bicycle Plan for additional information on the trail system around the subject property.

A discussion ensued between Commissioner de la Fe and Mr. Harvey regarding Mr. Harvey's familiarity with the County's Master Bicycle Plan and Trails Plan wherein Commissioner de la Fe pointed out that modifications to these plans was outside the scope of the subject applications.

Will Radle, 6631 Elk Park Court, Alexandria, representing Franconia Commons Homeowners Association, spoke in support of the proposal. He stated that he was a member of the Lee District Land Use Committee. He then explained that the Lee District Land Use Committee had coordinated with the applicant on the proposal and he had moved to support the proposal, which passed with the support of multiple members of the committee, including a representative of the FCPA.

When Commissioner Hart asked for additional information about the vote that the Lee District Land Use Committee had conducted, Mr. Radle indicated that the motion to support the subject applications had carried by a vote of 10-9-0.

Chairman Murphy called for speakers from the audience.

Madeline Galvin, 7728 Martin Allen Court, Alexandria, spoke in opposition to the subject applications due to concerns regarding the density of the proposed development and the traffic impact the development would incur on neighboring communities. She then said she favored modifying the development to be accessed through Cinder Bed Road, stating that this alleviates these impacts. She also noted the existing issues that residents of the Island Creek community experienced when accessing Thomas Grant Drive. Ms. Galvin indicated that the traffic impact of the proposed development would incur safety hazards for children accessing bus stops from the Island Creek community, which would negatively affect property values. She stated that constructing an access road over the floodplain was feasible, subject to the implementation of appropriate engineering features. In addition, Ms. Galvin echoed concerns from Mr. Saffelle regarding the ability for emergency vehicles to access the proposed development.

A discussion ensued between Chairman Murphy and Ms. Galvin regarding the extent to which the Commission considered the environmental impact of a proposed development when ruling on an application, the extent of the review conducted by staff on such applications, and the existing traffic patterns along Thomas Grant Drive.



Kenny Lee, 6706 Percethony Court, Alexandria, voiced opposition to the subject application, echoing remarks from previous speakers regarding the proposed development's impact on the safety conditions and traffic patterns on the surrounding community. He noted that portions of Thomas Grant Drive were frequently utilized by children and residents, adding that increased traffic along this road would create additional safety hazards. Mr. Lee also echoed remarks from previous speakers regarding the environmental impact on the proposal, stating that he did not concur with the GRB's conclusion that the proposed development was appropriate for the site. In addition, he expressed concern regarding the proposal's impact on the character of the surrounding neighborhoods. (A copy of Mr. Lee's statement is in the date file.)

Johna Gagnon, P.O. Box 10413, Franconia, said that she had initially opposed the subject applications. She noted the extent to which the proposed development would be visible to the Amberleigh community during the winter months. Ms. Gagnon described the history of development on the surrounding communities and stated that she initially opposed the subject applications to provide these communities with additional time to coordinate with the application. She then indicated that she did not object to the subject applications after such time had been granted, but favored additional coordination between the applicant and surrounding community to address outstanding issues. (A copy of Ms. Gagnon's statement is in the date file.)

Neal Duncanson, 6757 Royal Thomas Way, Alexandria, spoke in opposition to the subject applications due to concerns regarding the proposed development's impact on his property. He noted the proximity of his residence to the subject property and the existing topography of the area around his residence. He then expressed concern that the applicant's provisions for retaining walls would not be sufficient to alleviate the impact on surrounding properties.

A discussion ensued between Chairman Murphy and Mr. Duncanson regarding the location of his residence and the number of dwelling units located within the Island Creek and Amberleigh communities.

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

- The presence of a floodplain on the subject property was a factor in determining the density of the proposed development and the density of this development was lower than the 3.12 dwelling units per acre permitted by the provisions of the Zoning Ordinance;
- The proposal had been subject to significant review by the GRB and would be subject to an additional review during site plan review;
- The review of the soils on the site conducted by the GRB had concluded that the proposed development was appropriate for such soils;
- The applicant had conducted multiple meetings with neighboring communities, including the Island Creek and Amberleigh communities;

- The majority of the residents that the applicant had met with expressed opposition to a trail connection from the subject property to their respective communities;
- The visual impact of the proposed development on the Amberleigh community would be minimal due to the distance between these properties;
- The area surrounding the subject property did include a bicycle route, which was located along Cinder Bed Road; and
- The applicant had studied the possibility of accessing the subject property through Cinder Bed Road, but concluded that such an access was not feasible due to the presence of an RPA and the existing terminus at Thomas Grant Drive had been previously approved for an extension.

Ms. Strobel then deferred to Paul Agutter, Applicant's Geotechnical Consultant, ECS Mid-Atlantic, LLC, for additional information on the applicant's review of the soils on the subject property. Mr. Agutter described the process the applicant utilized to study the soils on the site, noting that this study included multiple borings at multiple locations on the site. He acknowledged the presence of marine clay within the soils on the site, but pointed out that such soils were present in existing developments, including the Island Creek and Amberleigh communities. Mr. Agutter indicated that the proposed development could be constructed on these soils, provided that this development incorporate appropriate engineering measures to ensure the safety of the surrounding properties. He also stated that the applicant studied the slope of the site and noted that certain areas had been subject to additional borings, adding that the measurements utilized to determine the stability of these soils was appropriate. In addition, Mr. Agutter acknowledged that there had been slope failures in other portions of the County, but noted that the risk of such failures could be ameliorated by the installation of mitigation measures, such as retaining walls. He said that the applicant's studies had also been subject to further review by the GRB.

Commissioner Migliaccio asked for additional information on the applicant's commitments regarding stormwater management and further reviews of the proposal by the GRB. Ms. Strobel pointed out that the applicant's stormwater management provisions, as articulated in Proffer Number 6, Stormwater Management/Best Management Practices/Low Impact Development, met and exceeded the standards prescribed by the County. She also indicated that the applicant's procedure regarding the geotechnical review of the proposed development, as articulated in Proffer Number 15, Geotechnical Review, included additional reviews by the Lee District Planning Commissioner and the Lee District Supervisor. She added that members of the Lee District Land Use Committee who had experience reviewing such issues would have additional opportunities to study the geotechnical review for the site. Ms. Strobel also said that the applicant would commit \$4.65 million of insurance for off-site properties if a negative impact on these properties were incurred, adding that this measure was articulated in Proffer Number 19, Construction Activity.

Responding to questions from Commissioner Migliaccio, Ms. Strobel confirmed that the applicant understood that the proposal might be subject to additional review by the Lee District Land Use Committee and the applicant would consider potential modifications to the site plan.

Commissioner Flanagan reiterated his concern regarding the possible safety hazards incurred by the retaining walls and suggested that the applicant review additional features for the retaining walls to mitigate these hazards during the deferral period. Ms. Strobel said that she did not object to reviewing such features.

Addressing concerns from speakers regarding the review process for the subject applications, Chairman Murphy noted the scope and standards by which these applications were evaluated. He added that the proposal was also subject to the approval of the Board of Supervisors.

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 Migliaccio for action on these cases.

*(Start Verbatim Transcript)*

//

Chairman Murphy: Public hearing is closed.

Commissioner Migliaccio: Thank you, Mr. Chairman. I'll be very brief. We heard quite a few speakers tonight. There are some issues yet to be resolved regarding the proffers and we need some more time on that. Looks like March 16<sup>th</sup> is filled up with many applications and other items and that may not give enough time. And unfortunately, due to Easter and budget hearings, the next date is April the 13<sup>th</sup>. So I'm going to move it until April the 13<sup>th</sup>. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ/FDP 2014-LE-008 TO A DATE CERTAIN OF APRIL 13, 2016, WITH THE RECORD REMAINING OPEN.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend – to defer decision only on RZ/FDP 2014-LE-008 to a date certain of April 13<sup>th</sup>, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 9-0. Commissioner Sargeant recused himself from the vote. Commissioners Hedetniemi and Lawrence were not present for the vote.)

*(End Verbatim Transcript)*

//

The meeting was adjourned at 11:57 p.m.

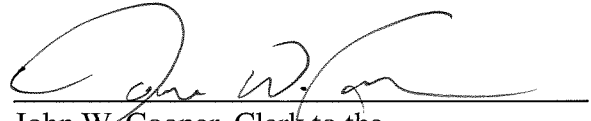
Peter F. Murphy, Chairman

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: October 6, 2016

A handwritten signature in black ink, appearing to read "John W. Cooper", is written over a horizontal line.

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