

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, SEPTEMBER 29, 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  
Karen Keys-Gamarra, Sully District  
James R. Hart, Commissioner At-Large  
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Kenneth A. Lawrence, Providence District  
Janyce N. Hedetniemi, Commissioner At-Large

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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.

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**COMMISSION MATTERS**

Commissioner Hart announced that the Planning Commission's Environment Committee had met earlier this evening to discuss building energy policies with staff. He then stated that discussion on this topic would continue at the Environment Committee's next meeting, which was scheduled for Wednesday, October 19, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center. He added that the meeting was open to the public.

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Commissioner Ulfelder stated that due to an issue with the affidavit for RZ 2016-DR-021, Fairfax County Board of Supervisors, the public hearing for this and the concurrent Comprehensive Plan Amendment, PA 2016-II-M1, Langley Fork Historic Overlay Expansion, would need to be deferred. Therefore, he MOVED THAT THE PLANNING COMMISSION DEFER THE JOINT PUBLIC HEARING FOR RZ 2016-DR-021, FAIRFAX COUNTY BOARD OF SUPERVISORS, AND PA 2016-II-M1, LANGLEY FORK HISTORIC OVERLAY EXPANSION, TO A DATE CERTAIN OF OCTOBER 26, 2016.

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

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Commissioner Flanagan said that SE 2015-MV-010, Marc Anthony Mussoline, which would demolish an existing building in a flood plain and construct a new building on the site, had not been reviewed by the Land Use Committee. Therefore, he announced his intent to defer the public hearing on this application at the Planning Commission's meeting on October 5, 2016, to a date to be determined.

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2232-S16-33 – DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES,  
4620 West Ox Road

*(Start Verbatim Transcript)*

Commissioner Murphy: I have a "feature shown" in the Springfield District. It's proposed by the Department of Public Works and Environmental Services to renovate and improve a Department of Vehicles Services maintenance facility at 4620 West Ox Road and I concur with the staff, this is consistent with the Comprehensive Plan provisions. And we find that the application, 2232-S16-33, a "feature shown" pursuant to Section 15.2-2232 of the *Code of Virginia* – and I MOVE THAT THE PLANNING COMMISSION APPROVE THIS 2232.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 10-0. Commissioners Hedetniemi and Lawrence were absent from the meeting.)

*(End Verbatim Transcript)*

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RZ/FDP 2015-HM-013/SEA 94-H-049-02 – WIEHLE STATION VENTURES, LLC (Decisions  
Only) (The public hearing on these applications was held on September 21, 2016.)

*(Start Verbatim Transcript)*

Commissioner de la Fe: Thank you, Mr. Chairman. We had a decision only tonight for RZ/FDP 2015-HM-013 and SEA 94-H-049-02. The public hearing was held on 9/21 and we deferred decision until tonight to address some issues that have been raised and I was wondering if the applicant's representative could come forward. We have – we have received the revised proffers that addressed all of, you know, the issues that have been raised and – which is in a memo that you found in your desk today. But there was one issue that was still outstanding from staff and

that is the construction of the northern portion of a sidewalk along Association Drive and I know that that has not been resolved and I wanted to ask the applicant whether you would, you know, you would continue to work on that to make sure that that gets done, if at all possible.

Molly Novotny, Cooley LLP, Applicant's Agent: Sure. For the record, Molly Novotny with Cooley on behalf of the applicant. Yes, we'll continue to work with staff on extending the sidewalk along the property boundary of the application parcel.

Commissioner de la Fe: Okay. Thank you very much. And given the – thank you – but don't go away back up because I'm going to ask you something else. The, you know, the proffers address a number of the issues that have been addressed, including an additional contribution to the Park Authority if Park One is truncated because of easements that cannot be obtained. And we have also added language on the Reston Road Fund, which commits to what is now considered the upper limit of the per-residential unit that will be recommended to the Board of Supervisors. The Board of Supervisors will not make a decision on this until, you know, I don't know – December maybe – or maybe even January, so – but I don't think we should keep, you know, waiting on that – all these cases – waiting on that. So what applicants are being asked to do is to commit to – to the highest number that is currently under consideration. If it's less, they would pay less, but, you know, with more we will have to revise the proffers, but as of now I don't believe that the number would go higher than they – what is currently being, you know, the upper limit of what is \$2,288 per residential unit. So given that, I don't have anything else except to – I – Ms. Novotny, if you could confirm, for the record, agreement to the proposed FDP Development Conditions dated September 21<sup>st</sup>, 2016?

Ms. Novotny: Yes, we confirm acceptance.

Commissioner de la Fe: Okay. Thank you very much. Mr. Chairman, I move that the Planning...

Chairman Murphy: Hold on a minute.

Commissioner de la Fe: Yes.

Chairman Murphy: Ms. Hurley?

Commissioner Hurley: I'm sorry. I'm trying to read through all this, I'm still not clear. What's the resolution of the issue of the easement with the property owner to the east? When we – when last we met, we talked about the pizza delivery guy that was parking on the next door neighbor's lot to – I mean, there was one place. What was the final resolution about the use of the easement and access to this property?

Ms. Novotny: That we will continue to work with them as well and that there is – our proffer is written in such a way that requires us to get their permission to do that. And if we are unsuccessful in doing that, the – the project can still be built.

Commissioner Hurley: All right. Thank you.

Commissioner de la Fe: Okay.

Chairman Murphy: Mr. de la Fe, go ahead.

Commissioner de la Fe: Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 94-H-049-02, TO DELETE 3.14 ACRES FROM SE 94-H-049; APPROVAL OF RZ 2015-HM-013 AND ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE NOW DATED SEPTEMBER 28<sup>TH</sup>, 2016 AND APPROVAL OF THE WAIVERS OF MODIFICATIONS CONTAINED IN THE HANDOUT DISTRIBUTED TO YOU THIS EVENING DATED SEPTEMBER 29<sup>TH</sup>, 2016, WHICH WILL BE MADE A PART OF THE RECORD.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to support Mr. de la Fe's motion to approve these applications, as articulated, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman...

Commissioner Keys-Gamarra: Mr. Chair, abstain.

Chairman Murphy: Okay. Ms. Keys-Gamarra abstains.

Commissioner Keys-Gamarra: I was absent.

Chairman Murphy: Not present for the public hearing.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2015-HM-013, SUBJECT TO THE PROPOSED FINAL DEVELOPMENT PLAN CONDITIONS DATED SEPTEMBER 21<sup>ST</sup>, 2016, AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2015-HM-013 AND THE CONCEPTUAL DEVELOPMENT PLAN.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Sargeant: Mr. Chairman, just for the record – I missed the first time – I was not present for the public hearing.

Chairman Murphy: Mr. Sargeant and Ms. Hurley abstain and – oh, I’m sorry, Ms. Gamarra – Keys-Gamarra and Mr. Sargeant abstain.

Commissioner Hart: Nell voted.

Chairman Murphy: Nell voted. Yes, I’m sorry. She asked the question. Okay.

Commissioner de la Fe: Okay. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF 2615-PKS-005-1, A PARKING REDUCTION OF UP TO AN 18.8 PERCENT, 78 FEWER SPACES, FOR THE PROPOSED RESIDENTIAL USE, PURSUANT TO PARAGRAPH 5.A OF SECTION 11-102 OF THE ZONING ORDINANCE, SUBJECT TO THE CONDITIONS RECOMMENDED BY STAFF, AS OUTLINED IN THE MEMORANDUM FROM LAND DEVELOPMENT SERVICES DATED AUGUST 19<sup>TH</sup>, 2016 AND CONTAINED IN APPENDIX 17 OF THE STAFF REPORT.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner de la Fe: Okay. That’s it, Mr. Chairman. Thank you very much.

(Each motion carried by a vote of 8-0-2. Commissioners Keys-Gamarra and Sargeant abstained. Commissioners Hedetniemi and Lawrence were absent from the meeting.)

*(End Verbatim Transcript)*

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PA 2016-CW-1CP – PUBLIC SCHOOLS POLICY PLAN AMENDMENT (Decision Only)  
(The public hearing on this application was held on July 28, 2016.)

*(Start Verbatim Transcript)*

Commissioner Sargeant: Thank you, Mr. Chairman. Mr. Chairman, on March 1<sup>st</sup>, 2016, the Board of Supervisors authorized Policy Plan Amendment 2016-CW-1CP. The authorization directed staff, working with the Planning Commission’s Schools Committee, Fairfax County Public Schools, and the Fairfax County School Board, to consider development of revised locational and character track criteria for public school facilities in the public facilities section of the Policy Plan element of the County’s Comprehensive Plan. Through a series of seven public meetings, the Schools Committee, with input from staff, Fairfax County Public Schools, and the School Board, revised the Policy Plan text addressing the Board’s authorization. This initiative is part of the County’s effort to plan for future educational facilities. The policy language takes

transit-oriented, higher-density development into consideration with the addition of vertical design guidelines for schools and other educational facilities. It provides for innovative and creative uses of space in new forms and structure. No, we are not abandoning the traditional school design that continue to serve as the hallmark and central core of so many of our communities. They will always have their place and value in our county. What we are doing, instead, is creating a new tool in the toolbox, an additional and contemporary design element for educational facilities that is in sync with the way many of our current and future citizens will go to school. One very positive outcome of this process is a very positive and collaborative working relationship between members of the School Board and Facilities Planning and the Planning Commission and County staff. This collaboration resulted in a positive update of the Schools Policy Plan and a foundation for teamwork as collectively – as we collectively tackle future issues in support of our school system. I'd like to thank several people for the effort and the tremendous achievement that we have. One is School Board Chairman, Sandy Evans, from the Mason District. And another friend, who is here tonight, is a Mount Vernon School District Board Member, Karen Corbett Sanders, who joins us for this final vote. She served as the School Board's liaison to the School Committee, along with Chairman Evans. They provided invaluable insight and guidance, not to mention the commitment of time to our committee meetings, as well as all the other meetings they attend. It was invaluable to have them here. The same can be said for Jeff Platenburg and Kevin Sneed, with School Systems Facilities Planning Department. They helped us better understand the guidelines for good schools and design and helped us understand the vision for designing future schools. My gratitude, as well, to Chris Caperton and David Stinson from County's planning staff for their guidance in keeping us focused on our mission for the Board of Supervisors. You not only found the right words and policy text, gentlemen, to describe a new vision for educational facilities. You kept us on the straight and narrow when it comes to our adherence to and support of the Comprehensive Plan and its policies. I'd like to ask a couple of questions, if I could, with that before I make my motion, Mr. Chairman. And I'd like to ask Mr. Stinson just a couple of questions, if I may. There was extensive discussion regarding before and after school child care facilities and programs. And, in addition to the fact that the policy document does not impinge – and should not – on the School Board's authority, the draft language regarding school-age child care does not preclude or prohibit or discourage their placement. Is that correct?

David Stinson, Planning Division, Department of Planning and Zoning: Yes, that is correct.

Commissioner Sargeant: And we had a review through the County Attorney's Office to ensure that our language was not impinging in that fashion in any way. Correct?

Mr. Stinson: Yes. That was the determination of the County Attorney's Office.

Commissioner Sargeant: And also, there was a contractual relationship too between the School Board and the Board of Supervisors when it comes to after school child care. Correct?

Mr. Stinson: Correct. Yes.

Commissioner Sargeant: And that does not – what we are doing here does not impinge on that relationship, contractually or anything else. Correct?

Mr. Stinson: Correct.

Commissioner Sargeant: I think we've managed to strike a positive and appropriate balance, Mr. Chairman. And with that, I'd like to go ahead and make my motion. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE APPROVAL OF THE SCHOOLS COMMITTEE'S RECOMMENDATION FOR PLAN AMENDMENT 2016-CW-1CP FOUND IN THE PROPOSED PLAN TEXT DATED SEPTEMBER 14<sup>TH</sup>, 2016. Thank you, Mr. Chairman.

Commissioners Migliaccio and Strandlie: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and...

Commissioner Sargeant: I think Ms. Strandlie is...

Chairman Murphy: Ms. Strandlie?

Commissioner Strandlie: And then I have a statement.

Chairman Murphy: Okay. Please. Is there a discussion of the motion?

Commissioner Sargeant: What? I think she was seconding and making a statement with her motion – with her second.

Commissioner Strandlie: Yes. I was seconding and then I was going to make a statement.

Chairman Murphy: Okay. Discussion? Go ahead.

Commissioner Strandlie: Thank you. Thank you, Commissioner Sargeant. This has been a very thorough review of the School's Policy Plan. We appreciate the direct involvement of the School Board members, Karen Corbett Sanders and School Board Chair, Sandy Evans. During the public hearing process, we heard from constituents. I think they were all from the Mason District. The decision was deferred while the Schools Committee and the Commission considered resident comments. Many changes were incorporated in the document that we will vote on tonight. The committee spent a great deal of time crafting the wording of this revised policy. We worked with Ms. Corbett Sanders and Ms. Evans and the FCPS staff to provide design and program – programming flexibility for future school sites. And Ms. Corbett Sanders is here tonight and we thank you very much for – for taking time out tonight to be with us. The policy language related to Fairfax County's Office of Children and Family Services, who allay child care – SACC Program – also provide some flexibility for excitant circumstances, such as providing SACC services at the two campus – Upper Bailey's and Bailey's Elementary, located in the Mason District. However, we note that the SACC language in the proposed Policy Plan does not suggest, nor endorse altering SACC's in-school dedicated space requirements, as they exist today. And I want to thank everyone again, following Commissioner Sargeant's comments, and I think we have struck a good balance.

Commissioner Sargeant: Thank you.

Chairman Murphy: Is there further discussion of the motion? All those in favor of the motion, as articulated by Mr. Sargeant, say aye.

Commissioner Sargeant: Aye.

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

(The motion carried by a vote of 10-0. Commissioners Hedetniemi and Lawrence were absent from the meeting.)

*(End Verbatim Transcript)*

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#### ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. AR 83-D-006-04 – CAJOLL COMPANY AND THE JOHN W. HANES III SETTLER TRUST
2. AR 99-D-002-02 – LAWRENCE A. KROP
3. SE 2016-BR-013 – REJNAJ OF TWINBROOKE, LLC
4. RZ 2015-HM-005 – PULTE HOME CORPORATION

This order was accepted without objection.

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AR 83-D-006-04 – CAJOLL COMPANY AND THE JOHN W. HANES III SETTLER TRUST – A&F District Renewal Appl. authorized by Chapter 115 (County Code), effective June 30, 1983 to permit renewal of a previously approved agricultural and forestal district. Located at 9809 Arnon Chapel Rd., Great Falls, 22066, on approx. 57.38 ac. of land zoned R-E. Tax Map 8-3 ((1)) 47 Z1, 45Z, 50Z, and 51Z. Ad text. DRANESVILLE DISTRICT. PUBLIC HEARING.

Commissioner Ulfelder 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 Ulfelder for action on this case.

*(Start Verbatim Transcript)*

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Chairman Murphy: And without objection, close the public hearing and recognize Mr. Ulfelder.



Commissioner Ulfelder: Thank you, Mr. Chairman. The property that's the subject of this A&F District Renewal application is of particular importance to Great Falls. It provides over 50 acres of scenic vista just north of the Great Falls Village Center along its frontage on Arnon Chapel Road. It represents one of the last large intact portions of former farmland that once characterized the area and is home to a well-loved horse boarding and riding facility, Stone Ridge Farm. The continuation of this A&F District will help preserve the rural agrarian character of this area of Fairfax County. Therefore, I AM HAPPY TO MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE AR 83-D-006-04 AND AMEND APPENDIX F OF THE COUNTY CODE TO RENEW THE CAJOLL LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS CONSISTENT WITH THOSE DATED SEPTEMBER 14, 2016, WHICH ARE CONTAINED IN THE STAFF REPORT.

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 the Board of Supervisors that it approve AR 83-D-006-04, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 10-0. Commissioners Hedetniemi and Lawrence were absent from the meeting.)

*(End Verbatim Transcript)*

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AR 99-D-002-02 – LAWRENCE A. KROP – A&F District  
Renewal Appl. authorized by Chapter 115 (County Code),  
effective June 30, 1983 to permit renewal of a previously approved  
agricultural and forestal district. Located at 910 Utterback Store  
Rd., Great Falls, 22066, on approx. 22.13 ac. of land zoned R-E.  
Tax Map 7-3 ((1)) 30Z, 35Z, 38Z, 42Z, and 43Z. DRANESVILLE  
DISTRICT. PUBLIC HEARING.

Commissioner Ulfelder 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 Ulfelder for action on this case.

*(Start Verbatim Transcript)*

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

Commissioner Ulfelder: Thank you, Mr. Chairman. Krop's Farm, as I like to call it, seeks to renew its A&F District status for another eight years. It is located in Great Falls at the intersection of Georgetown Pike and Utterback Store Road, not far from Route 7. For many years, Great Falls residents have found just the right tree for Christmas, fresh vegetables and eggs for their table, and pumpkins for Halloween at Krop's Farm. They always bring the kids. It's fun for everyone, along with the fresh produce and the reminder of a slower-paced time in Fairfax County. Therefore, I AM PLEASED TO MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE AR 99-D-002-02 AND AMEND APPENDIX F OF THE COUNTY CODE TO RENEW THE KROP LOCAL AGRICULTURAL AND FORESTAL DISTRICT, SUBJECT TO ORDINANCE PROVISIONS CONSISTENT WITH THOSE DATED SEPTEMBER 14, 2016, WHICH ARE CONTAINED IN THE STAFF REPORT.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve AR 99-D-002-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 10-0. Commissioners Hedetniemi and Lawrence were absent from the meeting.)

*(End Verbatim Transcript)*

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SE 2016-BR-013 – REJNAJ OF TWINBROOKE, LLC – Appl. under Sects. 4-604 and 9-610 of the Zoning Ordinance to permit a fast food restaurant and a waiver of the minimum lot size requirements. Located at 9581 Braddock Rd., Fairfax, 22032, on approx. 30,245 sq. ft. of land zoned C-6. Tax Map 69-3 ((1)) 18A (part). BRADDOCK DISTRICT. PUBLIC HEARING.

Robert Brant, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated August 26, 2016.

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

Michael Lynskey, 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 SE 2016-BR-013.

Commissioner Hurley explained the following:

- The reason a special exception (SE) was required to permit the construction of a Popeye's restaurant on the subject property was because Popeye's was classified as a fast-food establishment and an SE was required for such an establishment under the provisions of the Zoning Ordinance;
- The existing eating establishment on the site, which consisted of a Pizza Hut restaurant that had since gone out of business, was classified as a casual dining establishment;
- The subject property abutted another casual dining establishment, which consisted of an Outback Steakhouse within the existing Twinbrooke Shopping Center;
- The existing Outback Steakhouse located adjacent to the subject property utilized a pick-up window located within the alley between the site and the Twinbrooke Shopping Center, but the use of such a feature was in violation of the Zoning Ordinance and the County had issued a Notice of Violation to the owner of this establishment;
- The outstanding violation associated with the Outback Steakhouse was not associated with the applicant or the operation of an eating establishment on the subject property and would be addressed through the appropriate mechanisms prescribed by the County;
- The alley between the existing structure on the subject property and the adjacent shopping center included a fire lane in which parking was prohibited;
- The applicant would extend the existing parking spaces on the site from 15 feet in length to 18 feet in length to ensure compliance with the standards prescribed by the Public Facilities Manual;
- The modifications to the dimensions of the parking spaces and the associated waiver to permit a 20-foot-wide drive aisle on the site would not modify the operation of the fire lane located along the adjacent building;
- The applicant had agreed to remove the existing parking spaces located near the bus stop on the northwest portion of the site and install landscaping in this area to improve the safety conditions on the site; and
- The applicant would share five temporary parking spaces located adjacent to the existing Outback Steakhouse restaurant operating in the Twinbrooke Shopping Center to ensure that vehicles did not occupy the fire lane.

Commissioner Migliaccio asked for additional information about the dimensions of the parking spaces that served the Twinbrooke Shopping Center, expressing concern that the language in Development Condition Number 5, which required that the applicant provide parking provisions in a manner consistent with the Zoning Ordinance, would require the applicant to modify the parking dimensions for the entire shopping center. Mr. Lynskey indicated that this development condition would apply exclusively to the subject property. A discussion ensued between Commissioner Migliaccio and Mr. Lynskey regarding the language utilized in Development Condition Number 5 and the extent to which this language applied to the surrounding shopping center wherein Mr. Lynskey stated that while a fast food establishment would generate more traffic, the existing parking provisions on the site were sufficient and the necessary modifications to the dimensions of the parking spot applied exclusively to those located on the site.

Commissioner Ulfelder expressed concern regarding the verbiage staff utilized in the analysis articulated in the staff report, stating that the word “thinks” was a more appropriate term compared to the word “feels.”

Commissioner Hart noted the frequency with which emergency vehicles and trash trucks accessed restaurant facilities and asked whether the modifications to the dimensions of the parking spaces that would be implemented under the proposal would impact the ability of such vehicles to utilize the fire lane located between the subject property and the existing Outback Steakhouse restaurant to the south. Mr. Lynskey said that the Fire Marshal and the Fairfax County Department of Transportation had reviewed the dimensions of this fire lane and did not express concerns regarding the proposed modifications to these parking spaces. A discussion ensued between Commissioner Hart and Mr. Lynskey regarding the width requirements for the drive aisle, as prescribed by the Zoning Ordinance, and the applicant’s limited ability to modify other features located near this drive aisle.

When Commissioner Hart asked whether there was signage indicating that parking within the fire lane between the subject property and the existing Outback Steakhouse restaurant to the south was prohibited, Mr. Lynskey indicated that there was existing signage on the site to discourage parking within this fire lane. Commissioner Hart then suggested that, since a significant portion of the fire lane was located on the subject property, a development condition be added to require the installation of additional signage to further discourage parking in this area. Mr. Lynskey stated that there were existing provisions in place to enforce the parking prohibitions within the fire lane, but Mary Ann Tsai, ZED, DPZ, indicated that such a condition could be considered for inclusion prior to the Board of Supervisors’ public hearing for the subject application.

Commissioner Hurley reiterated that the issue of vehicles parking within the fire lane located adjacent to the existing Outback Steakhouse restaurant abutting the site was not generated by the applicant and a Notice of Violation had been submitted to this property owner to address this issue. She also said that this issue and the procedures for addressing them would occur independent of the subject application.

Referring to page 9 of the staff report, which reviewed the parking provisions located around the rear of the building on the site, Commissioner Flanagan indicated that this review did not analyze the extent to which these provisions would be utilized by customers accessing the neighboring

Outback Steakhouse restaurant. He then asked whether there were parking spaces allocated specifically for this restaurant. Mr. Lynskey stated that there were no such spaces for this restaurant, explaining that customers for this facility utilized the existing parking provisions for the Twinbrooke Shopping Center. He added that this restaurant did not have a permit to operate a drive-through service, stating that customers utilizing this facility for take-out were required to park in the existing parking spaces in the shopping center and it was incumbent upon the property owner to discourage customers from parking in the fire lane located near the site. A discussion ensued between Commissioner Flanagan and Mr. Lynskey regarding the possibility of reserving parking exclusively for this neighboring restaurant and the take-out policies that were typically utilized by an Outback Steakhouse restaurant wherein Mr. Lynskey said that such a provision was beyond the scope of the subject application.

Mr. Brant gave a presentation wherein he explained the following:

- The subject application would permit the installation of a fast food restaurant on the subject property, but this restaurant would not include a drive-through;
- The proposal improved the operation of the existing neighboring shopping center by providing an additional dining option to customers and redeveloping a vacant portion of the property;
- The subject property contained an existing restaurant that had operated as a Pizza Hut, but this establishment had since been vacated;
- The provisions of the application would impact only a portion of the Twinbrooke Shopping Center;
- The applicant coordinated with staff, the surrounding community, and the Braddock District Land Use Committee on the subject application to address various concerns;
- The applicant's coordination with the community resulted in numerous revisions to the architecture of the proposed fast food restaurant to ensure its compatibility with the character of the Twinbrooke Shopping Center;
- The applicant would reserve five parking spaces on the site for shared use with the neighboring Outback Steakhouse restaurant located to the south of the site;
- The applicant could not reserve parking spaces on the site exclusively for the proposed fast food restaurant or the neighboring Outback Steakhouse restaurant, but utilizing shared parking was permitted and such a feature was intended to alleviate existing concerns regarding vehicles that occupied the nearby fire lane;
- The fire lane located between the subject property and the neighboring Outback Steakhouse restaurant included signage to indicate that parking within this area was prohibited;

- The curb surrounding the fire lane located between the subject property and the neighboring Outback Steakhouse restaurant was appropriately striped to identify this area as a fire lane;
- The proposal included landscaping provisions that would improve the existing landscaping conditions on the site;
- The three existing parking spaces located on the northwest portion of the site near the bus stop would be removed and additional landscaping would be installed in this area;
- The transitional screening along the western border between the subject property and the neighboring residential community would be improved; and
- The subject application had the support of the Braddock District Land Use Committee.

When Commissioner Migliaccio asked how the dumpster on the site would be concealed, Mr. Brant said that the dumpster would be enclosed with a fence. He added that the applicant would plant evergreen trees along the existing retaining wall along the western border of the site, which would buffer the subject property from the neighboring residential community. A discussion ensued between Commissioner Migliaccio and Mr. Brant, with input from Mr. Lynskey, regarding the design of the fence enclosure for the dumpster and the materials that would be utilized for this enclosure wherein Mr. Lynskey pointed out that the Public Facilities Manual required that dumpsters be in an enclosure, but no materials for this enclosure were specified to permit additional flexibility to the applicant at the time of site plan review in constructing this enclosure.

There being no listed speakers, Chairman Murphy called for speakers from the audience.

Angela Rivera, 4835 Nash Drive, Fairfax, spoke in opposition to the subject application because it would incur a negative impact on her property, which was located to the south and west of the site. She indicated that the operation of trash trucks on and near the subject property generated a significant noise impact. She added that the smell of the food attracted rats into the area located around her property. In addition, Ms. Rivera said that the buffer between her property and the shopping center was insufficient.

A discussion ensued between Chairman Murphy and Ms. Rivera regarding how long she had lived on her property and the impact of the existing condition of the site on her property wherein Ms. Rivera noted the extent of the noise generated by trash trucks and reiterated that the buffer located along the border of her property was insufficient.

Gloria Suanes, 4833 Nash Drive, Fairfax, voiced opposition to the subject application, echoing concerns from Ms. Rivera regarding the noise impact generated by the operation of trash trucks on the site and the insufficiency of the buffer along the rear of her property. She also noted the proximity of her property to the areas in which trash trucks utilized and pointed out that these trucks had limited space in which to maneuver, which generated additional noise.

When Chairman Murphy asked how long Ms. Suanes had resided at her property, she said that she had been living on her property for approximately 19 years.

A discussion ensued between Commissioner Hart and Mr. Lynskey regarding the location of the dumpster utilized by the neighboring Outback Steakhouse restaurant.

A discussion ensued among Commissioner Hurley, Ms. Suanes, and Ms. Rivera regarding the location of the residential properties located to the south and west of the subject property and the existing condition of the retaining wall between these properties and the adjacent Twinbrooke Shopping Center wherein Ms. Rivera indicated that this retaining wall had been subject to repairs, but such repairs had not mitigated the impact of operating trash trucks on the neighboring properties.

Commissioner Hart asked for additional information on the procedures residents would utilize to address rat infestations. Ms. Tsai stated that residents would contact the Department of Code Compliance (DCC) or the Department of Health to address this issue. A discussion ensued between Commissioner Hart and Ms. Rivera, with input from Ms. Tsai, regarding the efforts Ms. Rivera's community had utilized to address the issue of rat infestations near her property wherein she said that she had coordinated with her homeowners association on this issue, but Commissioner Hart suggested that she request further assistance from DCC and the Health Department.

When Chairman Murphy asked for additional information about the ownership of the dumpster that was generating the rat issue for the neighboring residential community, Mr. Lynskey indicated that this dumpster was owned by the Outback Steakhouse restaurant located adjacent to the subject property.

Commissioner Flanagan pointed out that other applications involving restaurants had utilized development conditions to specify the hours in which trash pick-up would occur, but noted that there were no such conditions included in the development conditions for the subject application. He suggested that the applicant incorporate these conditions into the proposal. A discussion ensued between Chairman Murphy and Mr. Brant regarding the operation of trash pick-up procedures for the dumpster utilized by the neighboring Outback Steakhouse restaurant and the applicant's trash pick-up procedures for the proposed Popeye's restaurant on the site wherein Mr. Brant indicated the following:

- The applicant could not impact these pick-up procedures because the dumpster was located off-site;
- The applicant would improve the transitional screening along the rear property line with the neighboring residential community; and
- The applicant would operate a trash pick-up service on the site that was independent of that utilized by the neighboring Outback Steakhouse restaurant.

Commissioner Strandlie echoed Commissioner Flanagan's remarks regarding the use of development conditions to specify the hours in which trash pick-up on a site would occur, stating that she favored incorporating such a development condition into the proposal.

A discussion ensued between Commissioner Hurley and Commissioner Strandlie, with input from Mr. Brant, regarding the ownership of the dumpsters located near the subject property, the scope of the subject application, and the applicant's ability to impact the trash pick-up procedures for the neighboring Outback Steakhouse restaurant.

When Commissioner Keys-Gamarra asked whether there would be a dumpster on the subject property that exclusively served the restaurant on the site, Mr. Brant indicated that there would be such a dumpster located at the rear of the building. Commissioner Keys-Gamarra then echoed Commissioner Strandlie and Commissioner Flanagan's suggestion that a development condition be incorporated into the subject application to specify the hours in which trash pick-up would occur on the site.

Commissioner Hart noted the location of the dumpster that would serve the Popeye's restaurant on the subject property on the plat and expressed concern regarding the visual impact of this dumpster and the impact of trash pick-up procedures on the neighboring residential community. He then requested that the applicant provide additional information on these procedures.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Brant, who declined. 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 Hurley for action on this case.

*(Start Verbatim Transcript)*

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

Commissioner Hurley: Thank you. I wanted to move this tonight, but I agree with Commissioner Hart that we need to look further into a possible development condition – again, not a proffer because it is a special exception but – and to look into the whole issue of trash – where it goes, how it's hidden, and when it's picked up. It shouldn't take us even a week to research this. Wednesday? Thursday? When? Defer to one week?

Michael Lynskey, Zoning Evaluation Division, Department of Planning and Zoning: Yeah, we were just looking to see. They do have a Board date on October 18<sup>th</sup>, but I think a week would still probably work. Yeah.

Commissioner Hurley: I'm sorry, what day?

Mr. Lynskey: They have a Board date on October 18<sup>th</sup>, but I think a week deferral would still be...



Commissioner Hurley: 6<sup>th</sup> October works?

Mr. Lynskey: We'll still the math working.

Commissioner Hurley: All right. Then, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER FOR DECISION ONLY SE 2016-BR-013 TO A DATE CERTAIN OF 6 OCTOBER, 2016.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to defer for decision only SE 2016-BR-013 to a date certain of October 6, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 10-0. Commissioners Hedetniemi and Lawrence were absent from the meeting.)

*(End Verbatim Transcript)*

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RZ 2015-HM-005 – PULTE HOME CORPORATION – Appl. to rezone from I-4 to R-30 to permit residential development with a total density of 27.8 dwelling units per acre (du/ac) with a waiver of the minimum district size and open space requirements. Located S. of Sunset Hills Rd., N. of Dulles Toll Rd., and E. of Michael Faraday Dr., on approx. 1.58 ac. of land. Comp. Plan Rec: Residential/ Mixed-Use. Tax Map 18-3 ((6)) 5. HUNTER MILL DISTRICT. PUBLIC HEARING.

Brian Winterhalter, Applicant's Agent, Cooley, LLP, reaffirmed the affidavit dated August 17, 2016.

There were no disclosures by Commission members.

Carmen Bishop, 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 denial of RZ 2015-HM-005 because of insufficient high-quality open space and site design, as prescribed by the Comprehensive Plan and the Zoning Ordinance.

Commissioner Hart pointed out the location of the public open space that would be located on the northeastern portion of the property. He then asked for additional information on the usage of this open space and the design of the transformer located within this open space. Ms. Bishop

deferred to the applicant for additional information about the transformer, but noted that vegetation would be installed around this transformer to provide adequate screening. She also described the design and amenities of the open space, noting the location and extent of the pedestrian path that would be included in this space.

Answering questions from Commissioner Hart, Ms. Bishop stated the following:

- The sanitary sewer line that traversed the public open space on the site would be located underground;
- The public open space that would be included in the proposed development could accommodate dog walking;
- The public open space on the site would connect to similar off-site open space on the property to north once this property was redeveloped, but there would be no such connections to this open space prior to such a redevelopment;
- The applicant had provided an illustration on Sheet 5 of the Generalized Development Plan to depict how the proposed development would be incorporated to other redevelopments in the surrounding area;
- The dumpster that would serve the multi-family residential building was located inside the parking garage, but trash trucks would not enter the garage to access this dumpster;
- The trash trucks that would empty this dumpster would be required to park in the private alleyway of the proposed development and concerns had been expressed that such a procedure would hinder the ability for emergency vehicles to access the site;
- The applicant would consider redesigning the garage to permit trash trucks to enter the garage at a later stage in the development process;
- The applicant had requested a waiver of the loading space requirement, but would utilize temporary loading space for delivery trucks and moving fans, which were located adjacent to the multi-family residential building;
- The applicant would implement policies that would permit residents to reserve the temporary loading spaces for large vehicles; and
- The applicant had requested the waiver for the loading space requirement and the use of temporary loading space because if this space were reserved as a loading space, then the proposed development would not contain sufficient parking provisions.

Commissioner Ulfelder described the route that trash trucks would utilize to access the dumpsters on the subject property and expressed concern regarding the length and safety issues with such a route. Ms. Bishop concurred with Commissioner Ulfelder's description of the route that trucks would utilize. A discussion ensued between Commissioner Ulfelder and Ms. Bishop

regarding the extent to which trash trucks on the site would impact the residential parking and the safety issues that the trash trucks would incur on these provisions.

Referring to staff's recommended revisions to the proposal on page 23 of the staff report, Commissioner Flanagan asked whether the removal of Units 11 and 12, as articulated in these revisions, would result in staff recommending approval of the subject application. Ms. Bishop concurred, adding that staff also recommended revisions to the applicant's procedures for trash pick-up. A discussion ensued between Commissioner Flanagan and Ms. Bishop, with input from Andrea Dorlester, Fairfax County Park Authority, regarding the extent to which removing these units would modify the proposed development and the reason that such modifications would warrant a change in staff's recommendation wherein Ms. Bishop and Ms. Dorlester explained the following:

- The removal of these units would expand the public open space in a manner that would connect it with Michael Faraday Drive;
- The amount of public open space for the proposed development was not objected to by staff, but the design and limited connections to the open space hindered its use; and
- The removal of these units would improve the accessibility and visibility of the open space.

Commissioner Keys-Gamarra asked for additional information regarding the size of the front yards of the stacked townhouse units within the proposed development and the applicant's purpose for requesting a modification of the minimum front yard requirements. Ms. Bishop explained that the design and placement of these units was consistent with the streetscape recommendations prescribed by the Comprehensive Plan, but a modification was still required under the Zoning Ordinance. She added that staff did not object to this modification. A discussion ensued between Commissioner Keys-Gamarra and Ms. Bishop regarding the size of the front yards of these stacked townhouse units wherein Ms. Bishop indicated that the size of the yards are consistent with the urban character that was intended for the surrounding area.

Mr. Winterhalter gave a presentation wherein he explained the following:

- The applicant acknowledged staff's opposition to the subject application due to the proposed design and operation of the public open space;
- The proposed development had been under development for approximately a year-and-a-half;
- The site was subject to significant constraints due to its size and location;
- The subject property was located in an area that was planned for numerous redevelopment, as depicted in the Comprehensive Plan;

- The character of the proposed development was intended to be consistent with the provisions of an urban, pedestrian-friendly, transit-oriented development, as prescribed by the Comprehensive Plan;
- The proposed development was located in close proximity to the Wiehle Avenue Metrorail Station;
- The properties located around the subject property and the Wiehle Avenue Metrorail Station were also planned for redevelopment, but the timeframe for such redevelopment varied from site to site and the proposed development was the first of these efforts;
- The Comprehensive Plan recommended the installation of a grid of streets that would serve the various redevelopments around the Wiehle Avenue Metrorail Station and the proposed development would contribute to this effort;
- The applicant would coordinate with the owners of the surrounding properties on the installation of a grid of streets and the design for this road network was supported by transportation consultants working with the County;
- The proposed development had been subject to numerous revisions during the year-and-a-half review process and the applicant had coordinated with staff and the property owner to the north of the site on these revisions;
- The final design for the proposed development included a multi-family residential building, which resulted in a significant cost impact compared to earlier designs, but permitted greater flexibility when designing the open space;
- The applicant had coordinated with the property owner to the south of the subject property to ensure the proposed development complemented the planned redevelopment for the neighboring sites;
- The applicant did not agree to staff's request to relocate the multi-family residential building to the western portion of the subject property because the grading of the landscape made it unfeasible in this area and the garages of the stacked townhouse units would front along the eastern road;
- The applicant, in coordinating with the property owner to the south of the site, agreed to construct a significant portion of Reston Station Boulevard for this portion of the grid of streets, which permitted a design of the proposed development that could accommodate Units 11 and 12;
- The addition of Units 11 and 12 into the proposed development permitted the inclusion of three workforce dwelling units (WDU);

- The right-of-way dedication, open space provisions, and landscaping provisions included in the proposed development were consistent with the recommendations of the Comprehensive Plan;
- The design of the proposed development would consist of 32 dwelling units in the multi-family residential building and 12 units for the stacked townhouse units;
- The applicant would, at the request of staff, provide half of the segment for Michael Faraday Drive, which included features such as bicycle lanes and on-street parking;
- The applicant would construct the full section of Reston Station Boulevard along the southern border of the subject property, which included on-street parking on both sides and an option for an additional turn-lane, if necessary;
- The proposed development would reduce the amount of peak-hour trips in the area compared to the number of trips generated by the existing office building on the site;
- The applicant would contribute to the installation of a traffic signal at the intersection of Reston Station Boulevard and Michael Faraday Drive, as articulated in the proffers shown in Appendix 1 of the staff report;
- The applicant's transportation improvements included commitments to the Reston Road Fund;
- The dimensions of the garages for the stacked townhouse units would have a depth of approximately 19.6 feet and a width of 11.25 feet, which was consistent with the dimensions of similar units in other parts of the County;
- The proposed development included the recommended amount of 20-percent, publicly-accessible open space standard prescribed by the Comprehensive Plan;
- The design for the open space for the proposed development would sufficiently complement the open space that would be installed with the neighboring development to the north;
- The open space on the site would be sufficiently accessible from the west and the east and this accessibility would be further improved by the redevelopment of the property to the north; and
- The designs of the multi-family residential building and the stacked townhouse units were consistent with the urban, transit-oriented development recommended for the site by the Comprehensive Plan.

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

In response to questions from Commissioner Hurley, Mr. Winterhalter said that the parking spaces located to the south of the open space would consist of permeable pavement and would not be reserved exclusively for residents. He also indicated that there would be a transformer located within the open space, but the size of this transformer had not been determined.

Commissioner Hart asked for additional information on the trash pick-up procedures that would be utilized for the proposed development. Mr. Winterhalter concurred with Commissioner Ulfelder's previous depiction of the routes that the trash trucks would utilize, stating that the trucks would park alongside the garage to the multi-family residential building and the appropriate personnel would retrieve the trash dumpster inside. He added that these trucks would also serve the stacked townhouse units on the site. Mr. Winterhalter also stated that these procedures would sufficiently serve the site and were appropriate for an urban development. When Commissioner Hart expressed concern that the procedures for trash trucks would hinder emergency vehicle access to the proposed development, Mr. Winterhalter reiterated that these procedures were consistent with those in similar urban developments. A discussion ensued between Commissioner Hart and Mr. Winterhalter regarding the operation of trash trucks on the site and the location on the site where the trash trucks would park while trash was off-loaded wherein Mr. Winterhalter indicated that the parking area for the trash trucks would be located in close proximity to the garage.

Commissioner Hart asked for additional information on the procedures for accommodating delivery trucks on the site. Mr. Winterhalter said that the applicant would reserve a parking area located near the public open space as a temporary loading space, adding that appropriate striping would be utilized to identify this area as a temporary loading space. He then stated that the dwelling units on the site were not rental units and would not require the frequent use of large moving vehicles, adding that the size and character of the development would not incur a high turnover of residents. A discussion ensued between Commissioner Hart and Mr. Winterhalter, with input from Ms. Tsai, regarding the procedures for managing the temporary loading spaces and the ability of the site to accommodate large moving trucks wherein Mr. Winterhalter and Ms. Tsai explained the following:

- The applicant had requested a waiver for the loading space requirement in favor of a temporary loading space because the proposed development would not contain sufficient parking provisions without these spaces;
- The operation of the temporary loading space for the purposes of moving, parking, and deliveries would be managed by the homeowners association for the proposed development;
- The temporary loading space would be blocked off from parking during specified timeframes to accommodate delivery vehicles and moving trucks;
- The size of the temporary loading space was sufficient to accommodate most large moving trucks;

- The larger moving trucks accessing the site would be required to park along the private street;
- The County's general policy for residential developments was to ensure there were sufficient loading space for moving trucks and delivery trucks; and
- The presence of a large moving truck in the private street of the proposed development would block traffic in one direction, but the width of this street was sufficient to ensure vehicles could continue navigating the site.

When Commissioner Ulfelder asked for additional information regarding the planned extensions to the road networks that would serve the proposed development, Mr. Winterhalter indicated that such extensions could not occur until a neighboring site redeveloped. A discussion ensued between Commissioner Ulfelder and Mr. Winterhalter regarding the timeframe for the redevelopment of neighboring properties, the impact that these extensions would have on the accessibility to the proposed development, the final design for these extensions, the contributions that other redevelopments would make to implement a grid of streets in the area, and the operation of the proposed development prior to the implementation of the grid of streets wherein Mr. Winterhalter pointed out that the Comprehensive Plan recommended that Reston Station Boulevard be extended eastward to Samuel Morris Drive and westward to Wiehle Avenue.

Commissioner de la Fe asked whether the subject application contained provisions that would interfere or hinder the redevelopment of surrounding properties or the implementation of a grid of streets in the area. Mr. Winterhalter said that this application did not contain such provisions, adding that the applicant would coordinate with neighboring property owners on the redevelopment of other sites in the area and the installation of a grid of streets. Elizabeth Iannetta, Transportation Planner, Fairfax County Department of Transportation, concurred with Mr. Winterhalter's statement, stating that the provisions of the subject application would not preclude or hinder the implementation of a grid of streets in conjunction with neighboring redevelopments.

Commissioner Flanagan pointed out that the County required that developments similar to those proposed by the applicant were required to reserve approximately 40 percent of the subject property as open space. He explained that this requirement was reduced to 26 percent if WDUs were included in a development, but indicated that the applicant was requesting a greater reduction to 19 percent. A discussion ensued between Commissioner Flanagan and Mr. Winterhalter, with input from Ms. Bishop, regarding the amount of open space that would be present in the proposed development if staff's recommendation to remove Units 11 and 12 were implemented and whether this amount would be consistent with the open space requirement.

Commissioner Hurley asked for additional information about the trash pick-up procedures for the stacked townhouse units in the proposed development. Mr. Winterhalter indicated that these procedures would differ from those utilized by the multi-family residential building. He then stated that these stacked townhouse units would conduct trash pick-up procedures in a manner similar to those utilized by other townhouse developments within the County. A discussion

ensued between Commissioner Hurley and Mr. Winterhalter regarding where the trash cans utilized by the townhouse developments would be located before and during trash pick-up.

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, this is one of those very difficult cases in which we have, probably, the smallest land-owner in the area, which is filing for a rezoning and redevelopment in an area which is primed for rezoning and redevelopment, but they happen to be first. They happen to be the smallest. And being first has its – its issues. I – as staff said, the changes of what is being proposed here and the grid of streets will not interfere with anybody else. There are other issues that have come up tonight, I think, such as the – perhaps, a better explanation of the loading and unloading of trash and the moving and so on and so forth. I know that I am not willing to wait until all of the other developments are analyzed and come up for rezoning. So I – I, you know, because that will take a long time. This one, as small as it is, I was noticing in – what we got that the original public hearing for this was scheduled for 12/9/15, so we've been at it for quite a while. But I'd like to take a little bit longer before I make a recommendation and so I would MOVE TO DEFER THE DECISION ONLY ON RZ 2015-HM-005 – at this point, I will defer for a week, but I may defer it again – but for now, TO A DATE CERTAIN OF OCTOBER 5<sup>TH</sup>, 2016, WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Hart [sic]. Is there a discussion of the motion? All those in favor of the motion to defer decision only on RZ 2015-HM-005 to a date certain of October 5<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 10-0. Commissioners Hedetniemi and Lawrence were absent from the meeting.)

*(End Verbatim Transcript)*

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The meeting was adjourned at 10:12 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: March 29, 2017



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