

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, JANUARY 10, 2018**

**PRESENT:** Peter F. Murphy, Springfield District  
James R. Hart, Commissioner At-Large  
Timothy J. Sargeant, Commission At-Large  
Ellen J. Hurley, Braddock District  
John C. Ulfelder, Dranesville District  
John A. Carter, Hunter Mill District  
James T. Migliaccio, Lee District  
Julie M. Strandlie, Mason District  
Earl L. Flanagan, Mount Vernon District  
Phillip A. Niedzielski-Eichner, Providence District  
Mary D. Cortina, Commissioner At-Large  
Vacant, Sully District

**ABSENT:** None

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The meeting was called to order at 7:31 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**

Chairman Murphy announced the new start time of the Planning Commission public hearings. He stated that the public hearings would be scheduled on Thursday nights at 7:30 p.m., with occasional weeks where the hearings would be held both on Wednesday and Thursday. He also stated the Committee meetings would be held mostly on Wednesdays at 7:30 p.m.

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Chairman Murphy announced the swearing-in of Commissioner Earl L. Flanagan for the Mount Vernon District. He stated Commissioner Flanagan represented the Mount Vernon District since 2006, and has been a valued member of the Planning Commission. He also stated Commissioner Flanagan was a World War II veteran and a decorated non-commissioned officer who served in the artillery branch of the General George Smith Patton, Jr., United States Third Army. In addition, Chairman Murphy stated Commissioner Flanagan was the President of the 7<sup>th</sup> Infantry Division Association.

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John T. Frey, Clerk of the Circuit Court, performed the reinstatement swearing-in ceremony for Commissioner Earl L. Flanagan. Commissioner Flanagan's term would expire December, 2021.

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Chairman Murphy announced the swearing-in of Commissioner John A. Carter, Planning Commissioner for the Hunter Mill District. He stated Commissioner Carter worked with the Montgomery County Planning Department as part of The Maryland-National Capital Park and Planning Commission.

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John T. Frey, Clerk of the Circuit Court, performed the swearing-in ceremony for Commissioner John A. Carter. Commissioner Carter's term would expire December, 2021.

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Chairman Murphy announced the Planning Commission would conclude the public hearing with closed session with the Fairfax County Attorney's Office. He also announced the election of officers for the Planning Commission would be held on January 18, 2018, and would be the first item on the agenda. He stated Commissioner Ellen J. Hurley volunteered to assist with the election process.

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#### ORDER OF THE AGENDA

Commissioner Hart established the following order of the agenda:

1. FDPA 2003-PR-022 – SSL DEVELOPMENT COMPANY, LLC
2. PRC 76-C -111-02 – FAIRFAX COUNTY SCHOOL BOARD
3. RZ/FDP 2016-MV-028 – L & F WORKHOUSE, LLC

This order was accepted without objection.

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Chairman Murphy called the first case on the agenda.

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FDPA 2003-PR-022 – SSL DEVELOPMENT COMPANY, LLC – Appl. to amend the final development plan for RZ 2003-PR-022 to permit a medical care facility as an optional use for building number five and associated changes to development conditions. Located on the S. side of Saintsbury Dr. approx. 350 ft. E. of its intersection with Vaden Dr. on approx. 1.37 ac. of land zoned PRM. Tax Map 48-3 ((49)) 2C5. PROVIDENCE DISTRICT. PUBLIC HEARING.

Lynne J. Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated December 12, 2017.

Commissioner Hart disclosed the law firm of Hart & Horan, P.C. had two cases where the attorneys in Ms. Strobel's firm represented an adverse party or adverse parties. He stated that matter and those parties were unrelated to this application. Commissioner Hart stated the law firm of Hart & Horan, P.C. had no business or financial relationship and to his knowledge, did not believe this matter before the Planning Commission would affect his ability to participate in the case.

Kelly Atkinson, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of FDPA 2003-PR-022.

Ms. Strobel gave a presentation wherein she stated the following:

- Metro West was a fifty-six-acre mixed-use development, located in proximity to the Vienna Metro Station;
- The proposed property was 1.37 acres and zoned to the Planned Residential Mixed Use District (PRM);
- The applicant proposed to develop the property with a medical care facility. The facility would permit 155 assisted living units;
- The previous use was planned for multi-family development;
- The proposed medical care facility would be a secondary use and was not part of the original approval;
- The applicant proposed a single building. The proposed building would be in the same location, with the same building footprint as publicized on the previously approved development plan;
- Parking would be below the building, with access provided by a private alley;
- The architectural renderings would compose of high quality building materials. The architectural style would be complementary, both to existing and planned development in the MetroWest area;
- Outdoor and indoor amenities would be provided which would allow guest to engage with each other and their guests;
- The proposed building would be an asset and would provide an opportunity for individuals who lived in Fairfax County to continue to reside in the County during their need for a higher level of care; and



- The applicant worked closely with the planning staff and the Healthcare Advisory Board. There were no adverse complaints or concerns from the community regarding the application. A community meeting was held, where attendance was low.

Commissioner Cortina asked whether the proposed units were considered as independent living units. Ms. Strobel stated Fairfax County's Zoning Ordinance classified assisted living as medical care. Commissioner Cortina made reference to Proffer Number 7 amended in 2006 which addressed the transportation modeling. She inquired about the model used for the assisted living facility. In response, Ms. Strobel stated the proposed use would be classified as an assisted living. A traffic analysis was conducted and the proposed use would generate fewer trips verses that of the independent living. Ms. Strobel further stated that the proximity of the Metro Station would provide some of the employees the opportunity to utilize mass transit. Commissioner Cortina made reference to the traffic study which stated 690 fewer weekday daily trips, compared to the age restricted residential units proposed. She asked whether the transportation analysis also calculated the reduction in the transit usage. In response, Ms. Strobel stated the employees would utilize the transit. She also stated individuals living in an assisted living facility had different traffic patterns, verses that of an independent living facility. Commissioner Cortina stated the density was based on moving more individuals to transit, and the proposed change in use would allow for the reduction of transit use. In response, Ms. Strobel stated the proffers ran with the land and the applicant, as well as the residents of MetroWest would have to abide by the proffers. She stated there would be an overall significant reduction in the number of vehicle trips associated with the proposed use.

Commissioner Sargeant made reference to proposed Development Condition Number 8, regarding the percentage of residents eligible for the Virginia Department of Social Services' Auxiliary Grant program. He asked for an estimated number at four percent margin. In response, Ms. Strobel stated the calculation would be four percent of the 155 units proposed by the applicant. Regarding the program's eligibility, Commissioner Sargeant asked for assurances the residents would remain at the facility. Ms. Strobel stated nursing care was not offered at the proposed facility. The residents would be relocated if they required a higher level of care. Care would be administered up to the point of relocation. Commissioner Sargeant made reference to proposed Development Condition Number 9, regarding green building and the provision for a Leadership in Energy and Environmental Design (LEED) certification statement, prior to the time of site plan. He stated there were many qualifiers if the applicant was not able to designate or certify the LEED attainment, and asked for the reason so much flexibility was offered. In response, Ms. Strobel stated the applicant would meet LEED certification. The applicant worked with its architect and went through the checklist. She stated the applicant would provide an escrow of two dollars a square foot for the building. If the applicant did not meet the certification requirements, and was within three points, half of the funds would be returned to the applicant. Ms. Strobel further noted the escrow would also be turned over to Fairfax County for its environmental programs.

Commissioner Hart asked for the product used on the exterior of the building. In response, Ms. Strobel stated the exterior of the building would be constructed using masonry material.

Commissioner Ulfelder asked for the distance from the proposed building to the Metro Station. Matt Koirtyohann, Bowman Consulting, stated the distance was within a quarter of a mile.



Commissioner Ulfelder stated that the change in use from an independent living senior facility to an assisted living facility would not allow for a high capacity potential usage of the Metro Station, and would not be part of the solution in the transit developmental areas. In response, Ms. Strobel stated the proposed use would help diversify the uses currently housed at the MetroWest development and the use would address the need in Fairfax County. Ms. Strobel stated as an overall trip generator, the cost would be much less than independent living and there would be a fair number of employees who would utilize the Metro services. She further stated an independent living facility was also age restricted, and ridership may not be that different from that of an unrestricted use.

Commissioner Niedzielski-Eichner asked for further elaboration of the other surrounding uses. He further inquired about the intended use absent from the proposed final development plan amendment. In response, Ms. Strobel stated the four buildings located west of the proposed use, were approved for age-restricted housing. Those buildings were multi-family dwellings, where the site plan was approved, and construction would soon commence. She further stated with the prior approval, the development would have allowed all five buildings to be independent living and age-restricted buildings.

There being no listed speakers, further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Niedzielski-Eichner for actions on this application.

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*(Start Verbatim Transcript)*

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I'm gonna proceed to move on this action tonight. I do request that Ms. Strobel confirm for the record, the applicant's acceptance of the development conditions dated December 27th, 2017.

Lynne J. Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Yes, the applicant accepts those conditions. Thank you.

Commissioner Niedzielski-Eichner: Thank you, Ms. Strobel. Mr. Chairman, the applicant seeks approval of a final development plan amendment to permit an option for the development of an assisted living facility as a permitted use for this portion of the overall MetroWest development, adjacent to the southern portion of the Vienna Metro Station, and to permit minor modifications to the previously approved building footprint, landscaping and stormwater quality improvements. Staff finds that the proposal is in harmony with the Comprehensive Plan and applicable Zoning Ordinance provisions. Further, staff recommends approval of this FDPA, subject to the listed development conditions. And finally, the Healthcare Advisory Board also recommends approval. The applicant has coordinated closely with the Providence District and has been responsive to – responsive to the concerns expressed by the Supervisor and Planning Commissioner. Finally, Mr. Chairman, we know the demand for assisted living facilities in Fairfax County exceeds supply and this location offers many attributes that make it a welcome addition to the MetroWest development. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2003-PR-022, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 27TH, 2017.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to approve FDPA 2003-PR-022, say aye.

Commissioners: Aye.

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

Ms. Strobel: Thank you.

The motion carried by a vote of 11-0.

*(End Verbatim Transcript)*

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*PRC 76-C-111-02 – FAIRFAX COUNTY SCHOOL BOARD – Appl. to approve the PRC plan associated with RZ 76-C-111 to permit building additions and site improvements to the existing public school facility. Located on the S. side of Ridge Heights Rd. approx. 1200 ft. W. of South Lakes Dr. on approx. 11.25 ac. of land zoned PRC. Comp. Plan Rec: Public Facilities, Governmental and Institutional. Tax Map 26-2 ((18)) 8 (pt.). HUNTER MILL DISTRICT. PUBLIC HEARING.*

Angelica Gonzalez, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of PRC 76-C-111-02.

John C. McGranahan, Applicant's Agent, Hunton & Williams, LLP gave a presentation wherein he stated the following:

- The applicant met with the Reston Planning and Zoning Committee on November 20, 2017 and December 18, 2017. After all the issues raised by the committee were addressed, they voted to recommend approval of the proposed application;
- Langston Hughes Middle School's proposed site, South Lakes High School and Terraset Elementary School were all in the same vicinity;
- The use of the athletic field would be shared;
- There were a number of new additions proposed. New additions would be of a lighter shade and would be consistent with the existing building;
- Seahawks Drive runs through the Langston Hughes Middle School and South Lakes High School site and no changes would be made to the east of the road. Existing vegetation



would remain. A commitment was in the development conditions to supplement the existing vegetation and to provide the necessary buffer;

- The upper level, rear side of the proposed use would house science lab classes and the library. The lower level would house administrative offices and eighth grade classrooms. A small addition would be made to the cafeteria;
- There would be a reconfiguration of the parking lot with the underground stormwater management facility in the vicinity;
- There would be a small addition made to the front of the school. Americans with Disabilities Act access enhancements would be made; and
- There were eight temporary classrooms on the site. Those classrooms would be removed and replaced with the proposed building additions.

Commissioner Strandlie requested visuals of the morning and afternoon drop-off and pick-up locations. Mr. McGranahan presented visuals of school bus lined traffic positioned at a part the school facing south towards South Lakes High School. As part of the design, the bus cueing would be increased. Mr. McGranahan stated the Kiss and Ride would remain at the current location on the north side off of Ridge Heights Road. Fairfax County Public Schools separated the kiss and ride traffic from the school bus traffic.

Commissioner Ulfelder asked for visuals where the future modulares would be housed. In response, Mr. McGranahan stated there were no plans for future modulares. He showed visuals of the existing modulares on the western edge of the outline of the site. Mr. McGranahan stated it would be difficult to predict student enrollment. Under the Constitution of the Commonwealth of Virginia, every child who wanted to attend public school would be educated. Therefore, the School Board reserved the right to install temporary classrooms if needed. He stated Seahawks Drive had an existing vegetated buffer and staff did not want modulares on the east side near the residential homes. If required, the modulares would be housed on some of the existing paved areas, in close proximity to the school. The suggested area would be easily accessible to students and also the transport of equipment. Mr. McGranahan stated this was a consideration raised by the Reston Planning and Zoning Committee. He stated he reviewed the current projections at that meeting. With the proposed addition, the school would be at a capacity of 1,250 students. The current enrollment identified in the Capital Improvement Plan (CIP) was 1,029 students. Mr. McGranahan stated the enrollment for Langston Hughes Middle School decreased. The five-year projections for the 2022 and 2023 school year was 1,001 students. The school would open in the fall of 2021, with a 1,050-student projection. He stated based on the projections the proposed model worked. Mr. McGranahan stated the change in programs may change the demand for classroom space or temporary classrooms.

Commissioner Hart made reference to Development Condition Number 2 and stated there seemed to be no determined limit or boundary. He asked whether there was an upper limit to the top number of modulares allowed, size of those modulares and the possibility of the enrollment being doubled as a result. He also asked whether there were legal constraints in the possibility of



maxing out, or an upper limit the school board would be comfortable with. In response, Mr. McGranahan stated unlike a private school, public schools could not cap enrollment. As a result, adding such a condition would be problematic. He stated based on the current site, there were limited number of places where temporary modulars could be located, and would not compromise the school's program. Commissioner Hart stated the current site had a number of temporary modulars. He asked whether the current modulars could be reconstructed to one or two levels. Mr. McGranahan stated he was not familiar or certain this could be accomplished. He stated there was a floor area ratio (FAR), the legal limitation, and that one single classroom was not big in terms of FAR. There was an FAR maximum shown and if exceeded, the Zoning Administrator would not consider it consistent with the approval. Commissioner Hart asked how close was the FAR maximum. In response, Mr. McGranahan stated the proposed FAR was at .408. Commissioner Hart stated with a proposed FAR of .408, the modulars would not be permitted. Mr. McGranahan stated the FAR shown would allow for some room if a temporary classroom was required. Commissioner Hart stated with FAR for the proposed building, there would not be room for a temporary classroom. Mr. McGranahan confirmed the maximum FAR would include the possibility of a temporary classroom. Commissioner Hart asked for a status of the site distance matter. In response, Mr. McGranahan referred to Development Condition Number 3, according to which the access points into the site were from Seahawks Drive, the road which ran north-south through the campus. There was existing vegetation around the building that would be preserved. There would also be adequate site distance from the in and out turn for buses, the access points into the parking lot and loading areas. Ridge Heights Road would not pose a site distance issue. The school met all the site distance requirements. Commissioner Hart asked that staff confirm their agreement to Development Condition Number 3. William Sugg, Transportation Planning Division, Fairfax County Department of Transportation (FCDOT), stated the department made a recommendation for the site distance to be shown. There was a concern regarding the location of the loading zone. During the site visit, there were some obstructions in the area and staff wanted to make certain those obstructions would not create a site distance issue for vehicles traveling along Seahawks Drive. Mr. Sugg further stated there was a concern with the trash enclosure and gating that surrounded it.

Commissioner Hurley asked to confirm fifty percent more space was being added to accommodate fifteen percent additional students. Mr. McGranahan stated there was a total of 132,000 square feet, and an additional 68,000 was proposed. In terms of capacity, it was not linear. The current capacity, excluding the modulars was 1,089 students. Commissioner Hurley asked whether the five-year projection was 1,000 students. Mr. McGranahan stated the five-year projection was 1,001 students. Commissioner Hurley asked why capacity was being added to a school where there was not a need. In response, Mr. McGranahan stated as part of the proposed application, there would be a renovation. He also stated a program driven expansion required the need. The science labs were not up to standard and the new addition would also include new science lab space that would meet the program requirements. Regarding the FAR, Commissioner Hurley stated the same language used for South Lakes High School should also be used for the adjacent high school. Mr. McGranahan stated he would revisit the language used. In response to Commissioner Hart's question regarding the FAR, Mr. McGranahan stated with the proposed additions, the FAR would be .382, to include the bricks and mortar. The maximum proposed was .408, and would allow for the flexibility to add temporary modulars. Commissioner Hurley stated South Lakes High School and Langston Hughes Middle School both shared boundaries. She also stated middle schools should be at half capacity of high schools. With the projected capacity of



Langston Hughes Middle School at 1,050, Commissioner Hurley asked for the projection for South Lakes High School. Mr. McGranahan stated based on his recollection, with the addition at South Lakes High School, the capacity would be between 2,400 to 2,500 students.

Commissioner Ulfelder stated that during the CIP discussion in 2017, modulars counted towards the FAR and trailers did not. Mr. McGranahan stated based on his experience both modulars and trailers counted towards the FAR.

Commissioner Carter stated adding modular classrooms is one factor. Another factor would be the core area, the cafeteria, gymnasium, principal's office, etcetera. With the proposed application, the core would be a challenge because it was a circular school and it would be difficult to add to a circle. This would also pose a limit on the number of modulars allowed. Mr. McGranahan stated he did not have direct experience with the issues raised by Commissioner Carter. However, he stated that in a scenario where there was a cafeteria sized for a certain student population, if the number of temporary classrooms was increased and there was a drastic increase in enrollment, then that would pose a problem.

Commissioner Hart followed up on Commissioner Hurley's question regarding Development Condition Number 2. He asked whether trailers were permitted. Mr. McGranahan stated he believed trailers would be allowed. Ms. Gonzalez added that staff looked at the development conditions in the adjacent property with South Lakes High School, and mirrored the typical language used. The word "modular" was also used in the adjacent school's development conditions. Commissioner Hart asked for confirmation the trailers could be used. Ms. Gonzalez stated staff would do further research and would further discuss with the Zoning Administrator. Mr. McGranahan stated it was the applicant's impression trailers could be used, and that the use of trailers should be clarified.

Commissioner Niedzielski-Eichner asked whether the applicant would be willing to add the suggested language regarding trailers to the development conditions. Mr. McGranahan stated the applicant would be willing to add language that referenced modulars and trailers to the development conditions.

Commissioner Cortina made reference to the Collaborative for High Performance Schools (CHPS) program. She stated it was difficult finding the criteria for the program online. She asked information regarding the CHPS program be provided the Planning Commission for future applications. She also asked whether native plants would be used. Mr. McGranahan stated it was his understanding, native plants would be used and the applicant would work with the Urban Forest Management Division, Public Works and Environment Services.

Commissioner Strandlie stated based on the CIP, there were three types of temporary classrooms: modular, quad and a single wide trailer. She made reference to Glasgow Middle School and stated the school was built to expect a surplus in space. There was an effort made to contract the space due to capacity. Glasgow Middle School reached its capacity and as a result, a modular was placed on the site. This situation triggered a 2232 application process. Ms. Gonzalez stated the application underwent a feature shown review, was brought to the Planning Commission and was supported by the Commission. As a result, this situation would not trigger a feature shown

and would not have to go through a 2232 application process for future modulars on the site, hence the reason for the limitation on the FAR.

Commissioner Niedzielski-Eichner asked whether Development Condition Number 2 could be amended to state “the applicant may install additional modular, quad or single wide trailer classrooms on the site”. In response, Mr. McGranahan stated the clarification would be made. Reference to the FAR cap should also be included. He stated should the Planning Commission recommend approval of the application, it would be subject to the development conditions dated December 26, 2017, with clarification to Development Condition Number 2.

Commissioner Carter stated his support for the application. He asked that the application be deferred to January 11, 2018. This would allow for time to add clarification to Development Condition Number 2.

There being no listed speakers, further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Carter for actions on this application.

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*(Start Verbatim Transcript)*

Commissioner Carter: Okay. So, the first part of the motion is, Mr. Chairman, I request that the applicant confirm for the record their agreement to the proposed development conditions. . .

Chairman Murphy: No, no, no. You just want to defer decision only.

Commissioner Carter: What’s that? Okay. We just want to defer the condition – decision ‘til tomorrow night.

Chairman Murphy: Is there a second to the motion?

Commissioner Hart: Second.

Chairman Murphy: Okay.

Commissioner Carter: Mr. Chairman, I MOVE TO DEFER THE DECISION ONLY FOR PRC 76-C-111-02 TO TOMORROW NIGHT, JANUARY 11TH, 2018, WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to defer decision only on PRC 76-C-111-02 to a date certain of January 11th, with the record remaining open for comments, say aye.

Commissioners: Aye.

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



The motion carried by a vote of 11-0.

*(End Verbatim Transcript)*

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RZ/FDP 2016-MV-028 – L & F WORKHOUSE, LLC – *Appls. to rezone from R-1 and WS to PDH-2 and WS to permit residential development with an overall density of 1.99 dwelling units per acre (du/ac) and approval of the conceptual and final development plan. Located on the N. side of Workhouse Rd., E. of Ox Rd. and W. of Lorton Rd. on approx. 18.56 ac. of land. Comp. Plan Rec: Residential 1-2 du/ac. Tax Map 106-4 ((1)) 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 55. MOUNT VERNON DISTRICT. PUBLIC HEARING.*

Gregory A. Riegle, Applicant's Agent, McGuireWoods LLP, reaffirmed the affidavit dated November 1, 2017.

Mary Ann Tsai on behalf of Wanda Suder, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of RZ 2016-MV-028 and FDP 2016-MV-028.

Commissioner Flanagan asked whether staff was recommending approval of the application without the addition of the second pocket park. In response, Ms. Tsai stated the Park Authority recommended an additional pocket park because the site layout was different in previous development plan iterations. It also included additional on-site amenities. She stated given the layout of the site, the Park Authority requested additional amenities. It was difficult for the site to accommodate an additional pocket park on the property. If the applicant was willing, staff would accept additional on-site amenities. Commissioner Flanagan inquired about the architectural survey requested by staff. In response, Ms. Tsai stated the applicant proffered to complete the Phase I archeological study and would provide a copy of the study upon completion. Commissioner Flanagan asked for clarification of the easement from Hollymeade. Ms. Tsai stated it was her understanding there was a conservation easement and the applicant could elaborate further. She also stated if Hollymeade were to access a public access easement may be required. Commissioner Flanagan stated his intent to defer the decision on the application and requested further clarification on the easement.

Commissioner Sargeant asked about the distance from the tree save area to the homes in the backyard of the Hollymeade site. Ms. Tsai stated it was her understanding Lot Numbers 17 through Lot Numbers 25 had a 25-foot rear yard and the tree save area had an additional fifty feet, which brought the total to about 75 feet. There would also be a setback from the properties in the Hollymeade subdivision. Approximately seven of the Hollymeade properties were adjacent to the setback area. Commissioner Sargeant inquired about the retaining walls, materials used, and location in relation to the Hollymeade community. He also asked whether the retaining walls were the future responsibility of the homeowners association. Ms. Tsai confirmed they were. The homeowners association was also responsible for future Stormwater management facilities. Commissioner Sargeant inquired about the applicant mitigating some phosphorus level issues with offsite mitigation. He asked if this was something that would be done on more than one occasion or the responsibility of the homeowners association. Ms. Tsai directed the question to



the applicant. Commissioner Sargeant addressed his concern of future impact on residents of the site. He requested that language that addressed awareness and a commitment to work with those areas, be added to the development conditions that addressed mitigating any and all potential impacts as a result of other developments not part of the plan.

Commissioner Hart inquired about the Sears House issue where the applicant proposed a two-month extension. He asked staff for their proposed timeframe. In response Ms. Tsai stated staff would prefer a longer timeframe, more than two months, in order to advertise and for the relocation of the Sears House. Commissioner Hart asked if a specific timeframe would trigger an event. Ms. Tsai suggest the time commence at the time of site plan and continue on from that point forward. The two-month timeframe could also commence once the applicant took ownership of the property. Commissioner Hart asked if the retaining wall were 10 feet in height. Ms. Tsai confirmed. Commissioner Hart asked for the purpose of the language in Proffer Number 7, second sentence, which made reference to the functional front of the dwelling. Ms. Tsai stated the frontage along private road A and B were front yards.

Commissioner Ulfelder requested visuals for the location of a crosswalk on Workhouse Road to the Laurel Hill Park that would provide access to the Workhouse Art Center. Ms. Tsai provided visuals. She stated the crosswalk would be located at the southwestern entrance to the proposed development. Commissioner Ulfelder asked whether there was a potential for inter-parcel access for pedestrians from the Hollymeade subdivision to proposed the proposed crosswalk, giving access to the Laurel Hill Park and the Workhouse Arts Center. Ms. Tsai stated the applicant would address whether or not there was an opportunity.

Mr. Riegler gave a presentation wherein he stated the following:

- The applicant would accept the staff's recommendation of a trigger for the site plan approval and expend the timeframe from two months to three months;
- There was a conservation easement on the property, possibly related to stormwater management. Those easements existed for the preservation of open space. Pedestrian access was possible;
- Offsite nutrient credits would be taken one time at site plan and would not be an obligation of the homeowners association;
- The retaining walls would be maintained by the association and would be the responsibility of the individual owners;
- The intent of the proffer for Lot Number 14 was for multiple side architecture. Some of the design elements would be along the side where they were proportionally decorated.
- The surrounding properties were located on Workhouse Road directly across the street from the Workhouse Arts Center, bearing the same name. Many of the community referred to the site as being a front door to the new revitalized Lorton area;



- The assembled eleven lots were located across from the Workhouse Arts Center in a street that previously, was a winding country road. The road was transformed into a four-lane collector road;
- The existing zoning did not provide incentives for reinvestment of redevelopment. The properties were occupied by increasingly depreciated dwellings that were out of character with the established development pattern. The Board of Supervisors authorized and approved the referenced Comprehensive Plan Amendment that made minor adjustments in density to address those issues;
- The rezoning of the proposed property was in conformance with the newly adopted Comprehensive Plan and accompanied by a proffer package;
- There were a number of environmental and design commitments that accomplished the communities goal, elevating the pattern and type;
- The application has staff's support and the support of the South County Federation, formerly known as the Federation of Lorton Communities.

Commissioner Flanagan requested visuals of the high and low range of the retaining walls. He pointed out the fence at the top of the retaining wall, and stated his concern regarding the danger of the height of the wall. He also stated some walls had fences and others did not. In response Mr. Riegle stated the walls with fences were required by code. Once the wall reached a certain height, fences were requested. Commissioner Flanagan stated all off of the proposed homes had brick frontages and garages at the front of the house, with the exception of Lot Number 14. He stated Lot Number 14 had two front yards. Commissioner Flanagan asked for visuals on the location of the front of the proposed home. Mr. Riegle stated the home possessed a side load garage and the front of the home was not located on the same side of the garage. Discussions continued regarding the location of the side and rare yard.

Commissioner Sargeant asked to confirm the width of the tree save area. Mr. Riegle stated the width was 50 feet between the rare of the lots and the common boundary with Hollymeade. Commissioner Sargeant asked for the number of tree plantings. Mr. Riegle stated the tree save area doubled the open space required by the Zoning Ordinance. The existing vegetation was used to the best extent, and provided a substantial buffer which was not required by the Zoning Ordinance. Commissioner Sargeant made reference to an illustration in the application which addressed contours, which outlined the proposed the development parcel. He stated the design was marked for 250 feet with a lowered elevation towards Workhouse Road. He inquired about the slope towards the Hollymeade site and the difference in elevation. In response, Mr. Riegle stated Hollymeade was at 250 feet and Workhouse Road at a level of 220 feet and roughly at the same elevation. This was described as a cut wall slopping down to finished lots. Commissioner Sargeant inquired about the average cost for maintaining the walls. Mr. Riegle stated he was not aware of the actual cost, but would obtain the information and provide to the Commission.

Commissioner Strandlie asked whether the applicant would provide seed money for reserves for the homeowners association. Mr. Riegle stated the applicant would visit during the deferral.



Commissioner Strandlie inquired about guest parking, whether they would park along the street, and was it wide enough. Mr. Riegle stated there was an effort to narrow the street allowing for least impact of trees open space. Commissioner Strandlie inquired about Proffer Number 4. She requested the applicant include language that would provide flexibility in relation to short-term rentals. This language would allow room for the homeowners association to address without amending their by-laws.

Commissioner Hart suggested adding language to Proffer Number 17, which would address Lot Number 14. He stated the sides facing Streets A and B should have the upgraded treatment. Mr. Riegle agreed and stated there would be additional architecture, treatments and landscaping. Commissioner Hart inquired about the contour lines for Lots Numbers 10, 11 and 12. In response, Mr. Riegle stated the retaining walls would be virtually flat. Commissioner Hart stated with the mentioned lots there were no flat play areas. He stated the retaining walls were designed for flattening. Mr. Riegle agreed and stated some of the lots would have a walk-out condition.

Commissioner Ulfelder stated for Lots Numbers 17 through 25, the tree save area was above the retaining wall. He asked whether the ground on the retaining wall slopped upwards to Hollymeade. Mr. Riegle confirmed. Commissioner Ulfelder asked for the possibility of heavy precipitation where water would cascade over the retaining wall, into the backyards of the homes. Mr. Riegle stated trust should be placed in the engineering processes to mitigate those circumstances. He stated there was room available to accommodate additions such as a deck. The applicant was also willing to clarify that language.

Regarding the Sears House, Commissioner Hurley stated two months was not sufficient time to advertise, find a buyer, close the purchase, obtain permits, etcetera. She asked whether the applicant stated the process and the timeline. In response, Mr. Riegle stated the applicant started the process, however the applicant has not retained ownership of the property. Mr. Riegle stated the applicant was willing to extend the deadline to meet staff's recommendation. The advertising period would be extended to three months from the site plan approval. During that period a decision would be made regarding whether or not to acquire the Sears House. Commissioner Hurley asked for a window from the commence of advertisement to possible purchase of the property. Mr. Riegle stated it would be a three-month advertising as to its availability, coupled with the appropriate historic preservation, periodicals, websites, etcetera. Discussions continued regarding advertising and timeframe for possible demolition.

Commissioner Flanagan stated Lots Numbers 15 through 24 were on a ridge between two streams. The middle lot was at the highest elevation and the property behind the retaining wall would drain into the left of the stream or downhill to the side. He stated any stormwater from the Hollymeade lots would be captured by the soil and redirected sideways to the aforementioned streams.

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

Patricia Thomson, 9401 Ox Road, Lorton, stated her support for the application. Ms. Thomson further indicated the following:

- There were seven home sites on Old Ox Road that would abut the new neighborhood;



- The developer did a great job with outreach to the community and answered all questions raised by the owners on Ox Road;
- The development would be an added benefit to the Lorton community;
- The proposed new neighborhood would consist of homes on half-acre lots with an average sale price of \$850,000. The sale price of these homes would be an added benefit to the surrounding neighborhoods and would provide for a much-needed sense of continuity. The connecting trails through Hollymeade to Workhouse Road would be an added benefit;
- It would be in the best interest of the community to support the new subdivision;
- The new neighborhood would make the area safer, and more walkable with the additional sidewalks and lights; and
- The Workhouse Arts Center was in walking distance and offered many art and fitness classes as well as special events.

William D. Hubbard, 8920 Workhouse Road, Lorton, stated his support for the application and added the following:

- Mr. Hubbard attended Lorton Elementary School and took a bus to Hayfield High School;
- There have been many changes to the Lorton area, some good and some not favorable to the community;
- There were no fences or guard towers around what's known as Lorton Arts Facility;
- Historic buildings housed near the water facility no longer existed;
- The Civil War Hospital was demolished and the Hollymeade community was developed thereafter;
- Some schools were closed and replaced with new;
- The Nike site was closed and a secured prison facility was built near that location;
- Fairfax County Fire Station 19 was the only fire station in that location. Since then several others were developed;
- Lorton Road was widened, straightened and thereafter, the name was changed Workhouse Road; and

- The new development will enhance the property values and provide a facelift to the gateway end of the County.

Roger Facklam, 8939 Highgrove Court, Lorton, stated the following:

- Mr. Facklam's lot was located behind the highest density area. There were five houses behind his property line;
- The elevation between his house and the road was approximately 60 feet, which would be equivalent to a ten-story building;
- A plan was sent to the Planning Commission to consider the development of one house per acre;
- The property at the corner of Hoose Road and Old Ox Road had a zero-footprint green house; and
- Should the houses be developed on a natural grade, there would be elevation differences between the houses and retaining walls would not be required.

Douglas Spalding, 9409 Ox Road, Lorton, said the following:

- Most of the discussion heard for many months were centered around the Hollymeade community;
- Part of the property was utilized to walk the dogs, was occasionally mowed and the community enjoyed the openness that bordered the property;
- Mr. Spalding's family had been residents of the Lorton area for over thirty years. His daughters attended Silverbrook Elementary and Hayfield High School;
- There were many older homes within his development and he would be supportive of a new development in the area; and
- The Hollymeade community was more representative of the future Lorton area verses the homes at the current location.

Sue Facklam, 8939 Highgrove Court, Lorton, stated the following:

- Have seen many developments for multiple dwellings contracted over the years;
- The density of the proposed development was much less and the elevation was a concern;
- During the construction of Ms. Facklam's property, five to seven trees were lost as a result. Additional trees would be lost with the elevation of the current proposed project. The tree save area would also be diminished;



- The proposal for the higher density was as a result of the Workhouse Arts Center, which was approved as apartments for the artists. The proposed development should not be based on the density approved for a totally different type of environment;
- Would like the County to revert back to one house per acre; and
- The historic value of the area and surrounding properties should be taken into consideration.

Mr. Riegle in his rebuttal testimony commended the long-term residents for their testimony wherein they and captured the change and evolution of the area. The applicant would continue to work with staff and Commissioner Flanagan to address all lingering concerns addressed by the Commission.

There being no additional speakers, further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Flanagan for actions on this application.

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*(Start Verbatim Transcript)*

Commissioner Flanagan: Thank you, Mr. Chairman. While I think we've had very good public hearing on this particular project. And certainly, there are two or three items that could – were brought up this evening that – and were not anticipated. And so, I think it's appropriate that we do defer, and come back at a later date after we've had an opportunity to discuss that and work out some arrangements for incorporating them into the final product. So with that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ 2016-MV-028 AND THE FINAL DEVELOPMENT PLAN 2016-MV-028, UNTIL JANUARY 18, 2018, WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer decision only on RZ/FDP 2016-MV-028 to a date certain of January 18th, with the record remaining open for comments, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 11-0.

*(End Verbatim Transcript)*

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The Commission went into a closed session at 10:06 p.m. and reconvened in the Board Auditorium at 11:28 p.m.

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CLOSED SESSION

*(Start Verbatim Transcript)*

Commissioner Hart: Thank you, Mr. Chairman. I MOVE THAT THAT PLANNING COMMISSION GO INTO CLOSED SESSION WITH COUNSEL FROM THE COUNTY ATTORNEY'S OFFICE FOR DISCUSSION AND CONSIDERATION IN THE MATTER NUMERATED IN *VIRGINIA CODE* SECTION 2.2-3711A8, INCLUDING LEGAL ANALYSIS RELATING TO THE PROFFER LEGISLATION SET FORTH IN *VIRGINIA CODE* SECTION 15.2-2303.4.

Commissioner Migliaccio: Second.

Chairman Murphy: Second by Mr. Migliaccio. Is there a discussion? All those in favor of the motion to go into closed session, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0.

*(End Verbatim Transcript)*

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*(Start Verbatim Transcript)*

Commissioner Hart: Thank you, Mr. Chairman. In accordance with Virginia Code Section 2.2-3712, I MOVE THAT THAT PLANNING COMMISSION MEMBERS CERTIFY THAT TO THE BEST OF EACH MEMBER'S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS UNDER THE VIRGINIA FREEDOM OF INFORMATION ACT, AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION BY WHICH THE CLOSED SESSION WAS CONVENED WERE HEARD, DISCUSSED, OR CONSIDERED IN CLOSED SESSION.

Commissioners Migliaccio and Niedzielski-Eichner: Second

Chairman Murphy: Second by Mr. Niedzielski-Eichner. Is there a discussion? All those in favor of the motion articulated by Mr. Hart, say aye.

Commissioners: Aye.



January 10, 2018

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 11-0.

*(End Verbatim Transcript)*

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The meeting was adjourned at 11:29 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: Samantha Lawrence

Approved on: April 26, 2018

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