

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JULY 17, 2019**

PRESENT: Peter F. Murphy, Chairman, Springfield District
James R. Hart, Commissioner At-Large
James T. Migliaccio, Lee District
Timothy J. Sargeant, Commissioner At-Large
Ellen J. Hurley, Braddock District
John A. Carter, Hunter Mill District
Julie M. Strandlie, Mason District
Walter C. Clarke, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Donté Tanner, Sully District

ABSENT: John C. Ulfelder, Dranesville District
Mary D. Cortina, Commissioner At-Large

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The meeting was called to order at 7:37 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

RZ/FDP 2018-PR-024- WILLIAMS MEADOW, LC

(Decision Only) (Public Hearing on this application was held on July 10, 2019)

(Start Verbatim Transcript)

Commissioner Niedzielski-Eichner: Yes. Thank you, Mr. Chairman. Mr. Chairman, this application proposes to rezone 5.89 acres of property on the Sutton Road – on Sutton Road in Providence District from R-1 to PDH-3 for the development of fifteen single-family detached homes. The Commission convened a public hearing last week about this application and we received considerable commentary from neighbors regarding stormwater management, specifically with concern for potential increased flow into the drainage ditches, the frontage properties, the properties surrounding neighbors, regarding proximity of the development to Nottaway Park and the potential visibility of the new home from the park's perimeter trail. And finally, regarding the loss of green space used from homes across Sutton Road. With regard to stormwater damage to the drainage ditches, I am satisfied that the drainage from the site, when developed, will be substantially lessened due to the addition of underground storage vaults that would catch the runoff and slowly release the stormwater into this installed drainage system that serves the area. As promised, Mr. Chairman, I did bring the matter of damage to the drainage ditches of the surrounding homes to the attention of Supervisor Smyth. Supervisor Smyth's staff inspected the ditches and at her direction, reached out VDOT where they request to address the

problems. VDOT assured Supervisor Smyth that it will conduct an inspection in the near future. And, should the homeowners not receive any feedback on VDOT's inspection within the next two weeks, I strongly encourage them to reach out to the Supervisor's office, and I'm assured that she'll be responsive. Regarding a buffer between the property and Nottaway Park, the applicant has added to his proffered commitments relative to tree save, to install six to eight-foot high holly trees at the property line on proposed Lots 9 and 10. The applicant will also change out the trees he proposed for the western edge of the property from two category two trees to two category four trees, essentially larger trees. So, with these changes Mr. Chairman to the proffers, I am ready to move for approval of this application.

Chairman Murphy: And may I say for the record, it's RZ/FDP 2018-PR-024 the Williams Meadow, LLC. Please.

Commissioner Niedzielski-Eichner: I do request that the applicant confirm for the record, agreement to the proposed development conditions dated June 26th, 2019.

John P. Sekas, Applicant, Williams Meadow, L.C.: My name is John Sekas and I affirm that.

Commissioner Niedzielski-Eichner: The conditions dated June 26th.

Mr. Sekas: June 26th. Yes.

Commissioner Niedzielski-Eichner: 2019.

Mr. Sekas: 2019.

Commissioner Niedzielski-Eichner: Thank you.

Mr. Sekas: Thank you.

Commissioner Niedzielski-Eichner: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2018-PR-024, CONSISTENT WITH PROFFERS DATED JULY 11TH, 2019.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2018-PR-024, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Tanner: Abstain.

Commissioner Clarke: Abstain. I was – absent.

Chairman Murphy: Okay.

Commissioner Strandlie: [Inaudible]

Chairman Murphy: Mr. Clarke abstains. Mr. Tanner abstains.

Commissioner Sargeant: Commissioner Strandlie.

Chairman Murphy: And Ms. Strandlie abstains.

Commissioner Strandlie: No, I'm okay.

Commissioner Hart: You were here for two abstentions.

Chairman Murphy: No. She's okay. Two abstentions. Not present for the public hearing.

Commissioner Niedzielski-Eichner: Mr. Chairman, may I proceed?

Chairman Murphy: Go ahead. Be my guest.

Commissioner Niedzielski-Eichner: I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2018-PR-024 SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JUNE 26TH, 2019.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Discussion of that motion? All those in favor of the motion approve FDP 2018-PR-024 subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner Niedzielski-Eichner: Mr. Chairman, I wanna thank the staff for working this one. I also want to thank the neighborhood for, again, attending to the public hearing last week and raising the issues that you raised. I do encourage you to stay in touch with Supervisor Smyth's office if the ditch issue is not addressed. And finally, I – thank the applicant for his willing – his listening and willingness to adapt his proffers to respond to the concerns raised last week. Thank you, Mr. Chairman.

Chairman Murphy: Thank you. And by the way for the record, I abstain too. I was not here for the public hearing. Thank you.

Each motion carried by a vote of 7-0-3. Commissioners Clarke, Tanner, and Murphy abstained from the vote. Commissioners Cortina and Ulfelder were absent from the meeting.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Commissioner Migliaccio established the following order of the agenda:

1. SE 2018-PR-023/2232-P18-26 – FAIRFAX COUNTY WATER AUTHORITY
2. SEA 83-D-095-04 – GREAT FALLS VILLAGE GREEN DAY SCHOOL
3. SUBMISSION DSC-D1-2 (PA 2013-III-DS1) – JACKSON PROPERTY (OF THE DULLES SUBURBAN CENTER STUDY)
4. RZ/FDP 2017-BR-030 – ROBERTS ROAD INVESTMENT, LC
5. SE 2018-SU-027 – STONEBRIDGE INVESTMENTS, LLC

The order was accepted without objection.

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ADDITIONAL COMMISSION MATTERS

SE 2018-PR-023/2232-P18-26 – FAIRFAX COUNTY WATER AUTHORITY

Deferral of these applications took place during the public hearing and not during Commission Matters.

(Start Verbatim Transcript)

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Commissioner Niedzielski-Eichner: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Niedzielski-Eichner: If I could, there's been some movement on the – the property design that I believe is a favorable change. There is a need for us to defer consideration of this and I'd like to move then for a deferral until September. There has been sufficient – I mean we – there was staff reaching out to the – those who may have had an interest this, so they have quite a warning of this.

Chairman Murphy: Somebody...

Commissioner Hart: Second. If that's a motion, I'll second it.

Commissioner Niedzielski-Eichner: I – it's a – let me just move it then you can decide whether...

Chairman Murphy: Yeah. Please.

Commissioner Niedzielski-Eichner: I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR 2232-P18-26 AND SE 2018-PR-023, TO A DATE CERTAIN OF SEPTEMBER 12TH, 2019.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. – Mr. Hart. Is there a discussion of the motion? Alright, 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 Cortina and Ulfelder were absent from the meeting.

(End Verbatim Transcript)

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SE 2019-MA-003 – BENEVIS, LLC

Deferral of this application took place during the public hearing and not during Commission Matters.

(Start Verbatim Transcript)

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Commissioner Strandlie: Apologies. I was having some computer issues when we did that Commission business. I have a deferral for a case in Mason. I'd like – Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON SE 2019-MA-003, BENEVIS, LLC, TO A DATE CERTAIN OF JULY 25TH, 2019.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion? All those in favor of the motion, as stated by Ms. Strandlie, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Cortina and Ulfelder were absent from the meeting.

(End Verbatim Transcript)

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END OF ADDITIONAL COMMISSION MATTERS

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SEA 83-D-095-04 – GREAT FALLS VILLAGE GREEN DAY SCHOOL – Appl. under Sects. 3-204 and 9-011 of the Zoning Ordinance to amend SE 83-D-095 previously approved for childcare center and nursery school to permit modification of development conditions. Located at 790 Walker Rd., Great Falls, 22066 on approx. 4.30 ac. of land zoned R-2. Tax Map 13-1 ((3)) A. DRANESVILLE DISTRICT. PUBLIC HEARING.

Jason Lody, Applicant's Agent, Great Falls Village Green Day School, Inc., reaffirmed the affidavit dated May 11, 2019.

There were no disclosures by Commission members.

Katelyn Antonucci, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of SEA 83-D-095-04.

Commissioner Hart announced his intent to defer the decision on the application.

There was a discussion between Ms. Antonucci, Mr. Lody, and Commissioner Hart regarding the following:

- The width of the travel aisle and mitigation measures in place to resolve;
- Replacement of dead or missing trees located on the southeastern portion of the site; and
- State certification requirements for changes in the age range of students and mitigation measures in place to resolve.

The discussion resulted in no changes to the subject application.

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

Start Verbatim Transcript)

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Commissioner Hart: Thank you, Mr. Chairman. I MOVE THAT PLANNING COMMISSION DEFER THE DECISION ONLY FOR SEA 83-D-095-04, TO A DATE CERTAIN OF JULY 24, 2019, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion to defer the decision only on SEA 83-D-095-04 to a date certain of July 24th, with the record remaining open for written comments, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 10-0. Commissioners Cortina and Ulfelder were absent from the meeting.

(End Verbatim Transcript)

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SUBMISSION DSC-D1-2 (PA 2013-III-DS1) – JACKSON PROPERTY (OF THE DULLES SUBURBAN CENTER STUDY) – Notice is hereby given that the Fairfax County Planning Commission will hold a PUBLIC HEARING on Wednesday, July 17, 2019 at 7:30 PM in the Board Auditorium of the Government Center, 12000 Government Center Pkwy, Fairfax, VA, to consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22.

Submission DSC-D1-2 (Jackson Property) of Plan Amendment #2013-III-DS1 (Dulles Suburban Center Study) concerns approx. 7.35 ac. generally located at 13717 Frying Pan Road (Tax Map #24-2 ((1)) 2, 3, 4) in the Dranesville Supervisor District. The area is planned for public park use and office use up to 0.15 floor area ratio (FAR), with an option for consolidation with Tax Map #24-2 ((1)) 1,10 with conditions. The amendment considers adding an option for residential use at a density up to 5 dwelling units per acre (du/ac). Recommendations relating to the transportation network may also be modified. Submission DSC-D1-2 of Plan Amendment #2013-III-DS1 is concurrently under review with Rezoning and Final Development Plan application RZ/FDP 2018-DR-018. Consult <http://ldsnet.fairfaxcounty.gov/ldsnet/CurrentInProgressBOS.aspx> for a description and information on the status of the rezoning.

Copies of the staff report, which includes the proposed submission, are available for examination and may be obtained from the Dept. of Planning & Zoning, 7th floor, Herrity Bldg., 12055 Government Center Pkwy, Fairfax, VA, and can also be viewed on the Web at www.fairfaxcounty.gov/planning-zoning/plan-amendments/staff-reports. After July 1, 2019, the staff report can viewed on the Web at www.fairfaxcounty.gov/planning-development/plan-amendments/staff-reports. The staff report is available three weeks prior to the public hearing.

Persons desiring to speak on this proposed amendment at the public hearing should call 703-324-2865 to have their names placed on the speakers' list. Any questions may be directed to the Planning Div. at 703-324-1380. ADA: Reasonable accommodation is available upon 48 hours advance notice; please call 703-324-2865 or TTY 711 (Virginia Relay Center). DRANESVILLE DISTRICT. PUBLIC HEARING.

Jennifer Garcia, Planning Department, Department of Planning and Development, presented the staff report, a copy of which is in the date file. She stated that staff recommended adoption of the amendment.

There was a discussion between Ms. Garcia; Clara Johnson, Planning Department, Department of Planning and Development; Michael Garcia, Transportation Planning Division, Fairfax County Department of Transportation; and multiple Commissioners regarding the following:

- Vehicular and pedestrian access to Park Center Road and the Sunrise Valley Drive extension;
- Assurances that the new vehicular and pedestrian access would not encroach on the Horsepen Run Environmental Quality Corridor (EQC) location;
- The anticipated secondary right-in and right-out access on Frying Pan Road;
- The proposed density calculations for the site; and
- The noise contour levels at the proposed site and disclosures provided to future residents.

The discussion resulted in no changes to the subject amendment.

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

Scott Adams, 1750 Tysons Boulevard, McLean, spoke in support of the subject amendment because the density and design would complete the County's development program. Mr. Adams added that previously approved projects on Frying Pan Road would provide the required frontage improvements on Frying Pan Road and the Jackson property. Trip generation on Sunrise Valley Drive extension provided several options for travelers that traveled southbound. The connection to the new Sunrise Valley Drive extension outside located outside of the EQC was under review.

There was a discussion between Mr. Adams and multiple Commissioners regarding the following:

- Assurances that a trail connection to the other surrounding trails would not encroach on the EQC or the neighboring resource protection areas;
- Noise contour levels for the proposed site; and

- The height, scale, and density compatibility of the current development compared to the existing and adjacent developments.

The discussion resulted in no changes to the subject amendment.

There being no additional speakers, further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Hart for action on the amendment.

(Start Verbatim Transcript)

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Commissioner Hart: Thank you, Mr. Chairman. For Submission DSC-D1-2, PA 2013-III-DS1, Jackson Property of the Dulles Suburban Center Study, I MOVE THAT WE DEFER THE DECISION UNTIL THE DATE CERTAIN OF JULY THE 24TH, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

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 this application to a date certain of July 24th, with the record remaining open for written comments, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 10-0. Commissioners Cortina and Ulfelder were absent from the meeting.

(End Verbatim Transcript)

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RZ/FDP 2017-BR-030 – ROBERTS ROAD INVESTMENT, LC – Appls. to rezone from R-1 to PDH-5 to permit residential development with an overall density of 4.27 dwelling units per acre (du/ac) and approval of the conceptual and final development plan. Located on the N. side of Braddock Rd. and E. side of Roberts Rd. on approx. ac. 9.57 ac. of land. Comp. Plan Rec: Residential Use at 3 to 5 du/ac. Tax Map 68-2 ((1)) 21, 22, 23, 24 and 25. BRADDOCK DISTRICT. PUBLIC HEARING.

Commissioner Hurley made preliminary comments regarding the proposed applications.

Francis McDermott, Applicant's Agent, Hunton Andrews Kurth, LL., reaffirmed the affidavit dated July 2, 2019.

There were no disclosures by Commission members.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of RZ 2017-BR-030 and FDP 2017-BR-030.

There was a discussion between Mr. O'Donnell, Mr. McDermott, and multiple Commissioners regarding the following:

- The Park Authority's assessment of tree preservation at the proposed site and on park property;
- The width of the private Pipestem A and B;
- The proximity of Lots 31 and 32 to Roberts Road compared to Lots 1, 7, and 43's internal private streets;
- Setback requirements for Planned Development Districts; and
- Maintenance of University Park and language in homeowner association agreements to ensure the quality of the park was maintained.

The discussion resulted in no changes to the subject applications.

Mr. McDermott gave a presentation on the subject applications.

There was a discussion between Mr. McDermott and multiple Commissioners regarding the following:

- Recommendations made by the Braddock Land Use and Environment Committee regarding tree removal and downstream stormwater issues;
- Construction of a sidewalk on Roberts Road and the Shenandoah River Lane intersection;
- The width of the shared use trail on the west side of Roberts Road; and
- The parties responsible for the maintenance of University Park.

The discussion resulted in no changes to the subject applications.

Chairman Murphy called the first listed speaker.

William Mindak, 5502 Yorkshire Street, Springfield, spoke in opposition of the subject applications because of the increased traffic issues on Braddock Road, increased density, the over

crowding of schools, inaccuracy of the traffic analysis in the staff report, pedestrian safety, and garage conversions which impeded on intended actual use and causes street parking issues.

There was a discussion between Mr. Mindak and Commissioner Hurley regarding the current traffic issues during peak hours on Roberts Road, plans in place for addressing overcrowding of Woodson High School, and issues with garage conversions. Installation of a stop light and construction of a five-foot sidewalk along the frontage of Robert's Road connecting to an existing crosswalk at Shenandoah River Lane, was also discussed.

John Rephlo, 6130 Sherborn Lane, Springfield, representing the Braddock Land Use and Environment Committee, spoke in support of the subject applications because the Committee's approval of a resolution which carried a vote of 12-0. The applicant agreed to install a center left turn lane to avoid blockage on Roberts Road as individuals turn left into the site. A deceleration lane would also be constructed in order to mitigate right turn traffic flow onto Roberts Road. Mr. Rephlo addressed concerns regarding the low tree canopy requirements for tree preservation. He also discussed the applicant's plans for a five-foot sidewalk along Roberts Road and a 10-foot shared trail on the site and stormwater runoff issues prior to and during construction.

There was a discussion between Mr. O'Donnell, Ms. Hurley, and multiple Commissioners regarding tree preservation options on the northeast corner of the site and stormwater concerns next to a tennis court located close to the site.

Chairman Murphy called for speakers from the audience and there were none.

A discussion followed between Mr. McDermott; Michael O'Shaughnessy, Bohler Engineering VA, LLC; and Commissioner Hart regarding the Braddock Land Use and Environment Committee's position, vote count, and stormwater runoff issues prior to and during construction at the northeast corner of the site.

In his rebuttal testimony, Mr. McDermott concurred with Mr. O'Shaughnessy's statement which addressed stormwater runoff concerns. After construction, water from the runoff would be collected into a pipe and deposited into an underground pipeline which would be deposited into a manhole. Mr. McDermott also addressed Mr. Mindak's challenge to the traffic operational analysis.

There being no additional speakers, further comments or questions from the Commission, Chairman Murphy closed the public hearing and recognized Commissioner Hurley for action on the amendment.

(Start Verbatim Transcript)

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Commissioner Hurley: Thank you, Mr. Chairman. The applicant has made huge strides in meeting the desires of the various stakeholders but the proffers as we mentioned need a bit more tweaking. Therefore Mr. Chairman, I MOVE TO DEFER FOR DECISION ONLY RZ/FDP 2017-BR-030 WITH A DATE CERTAIN OF JULY 25TH, 2019, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion as articulated by Ms. Hurley to a date – for decision only on this application to a date certain of July 25th, say aye.

Commissioners: Aye.

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

The motion carried by a vote of 10-0. Commissioners Cortina and Ulfelder were absent from the meeting.

(End Verbatim Transcript)

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The Commission went into recess at 9:33 p.m. and reconvened in the Board Auditorium at 9:53 p.m.

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SE 2018-SU-027 – STONEBRIDGE INVESTMENTS, LLC – Appl. under Sect. 9-630 of the Zoning Ordinance to permit development of a new limited brewery in the R-C district and a modification of limitations on the number of events defined in Article 20 of the Zoning Ordinance for limited brewery. Located at 6780 Bull Run Post Office Rd., Centreville, 20120 on approx. 40.62 ac. of land zoned R-C and WS. Tax Map 53-3 ((7))32Z, 33Z (pt.); 64-1 ((7)) 31Z (pt.), 34Z, 35Z (pt.); 38Z (pt.), 39Z, 40Z, 41Z and 42Z. (Associated with SPA 2016-SU-090). SULLY DISTRICT. PUBLIC HEARING.

Jonathan Hickox, Applicant's Agent, Stonebridge Investments LLC, reaffirmed the affidavit dated June 25, 2019.

There were no disclosures by Commission members.

Emma Estes, Zoning Evaluation Division, Department of Planning and Development, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of SE 2018-SU-027.

There was a discussion between Ms. Estes; William O'Donnell, Zoning Evaluation Division, Department of Planning and Development; Erin Haley, Michelle Guthrie, Fairfax County Department of Transportation; and multiple Commissioners regarding the following:

- Alternative access points to the brewery and reasons why the proposed access site was chosen;
- A confirmation notices were done correctly and were sent to neighboring homeowners;

- A confirmation all requirements with the Virginia Alcoholic Beverage Authority Board were met; and
- Confirmation all Environmental Protection Agency requirements were met.

The discussion resulted in no changes to the subject application.

Mr. Hickox gave a presentation on the subject application.

There was a discussion between Mr. Hickox and multiple Commissioners regarding the following:

- Alternate access points and why they were not considered;
- Measures taken to secure the original easement in order to obtain access to the winery; and
- Mitigation measures in place for tree plantings and a vegetative buffer.

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

Sanjeev Katam, 6798 Bull Run Post Office Road, Centreville, spoke in opposition to the subject application because of buffering concerns between the access road and his current residence. Mr. Katam also was also concerned about the high volume of traffic through the community and on Bull Run Post Office Road. (A copy of Mr. Katam's statement is in the date file.)

There was a discussion between Mr. Katam and Commissioner Hart regarding the location of his home, the location of his septic field in relation to his home, and whether there was room for screening between the road and septic field. Mr. Katam provided visuals and indicated there was no room for screening between the road and his septic field.

Michael Man, 6823 Lilly Belle Court, Centreville, spoke in opposition to the subject application because of access of the proposed access to the brewery from Bull Run Post Office Road and impacts from the high volume of traffic on Route 29. (A copy of Mr. Man's statement is in the date file.)

William B. Jones, 6800 Bull Run Post Office Road, Centreville, spoke in opposition to the subject application because of the dangers of traffic as a result of the proposed development. Mr. Jones stated Lots Number 1 and 2 would be directly impacted. He added the provisions of an easement to a commuter road should be decided by the taxpaying homeowners impacted by the propose development.

Madhuri Eerupula, 6798 Bull Run Post Office Road, Centreville, spoke in opposition to the subject application because of the lack of prior disclosures regarding the proposed access on Bull Run Post Office Road. Ms. Eerupula stated the proposed application was for a non-residential

development and as a result, would have a higher negative impact on the adjacent properties and the environment. She added the access road was close to a septic mound and brewery access both ended at her property line. The increased traffic with the additional access point to the brewery was also a major concern. (A copy of Ms. Eerupula's statement is in the date file.)

Hall Moore, P.O. Box 61, Clifton, representing Protect the Occoquan Watershed, spoke in opposition to the subject application because of the notification process, increased traffic flow, elimination of green spaces, the impacts on drinking water, the neighboring wells, and impacts on the Occoquan Watershed. (A copy of Protect the Occoquan Watershed's statement is in the date file.)

Lex Trumble, 15200 Honsena Drive, Centreville, a member of the Stone Bridge Equestrian Center at Bull Run, spoke in opposition to the subject application because the center lost a barn and pasture as a result of NV Homes. The center was one of the last remaining equestrian facilities in Fairfax County and any additional activity coming from Route 29 would annihilate the facility. The farm was part of history and was a place of serenity for its members, boarders, and horses. Access to Bull Run Post Office Road was essential in order to maintain the center. Ms. Trumble added the winery, the proposed brewery, the neighboring homes, and the equestrian center could coexist, without the proposed access from Route 29 and that an alternate access should be considered.

Jonathan Champ, 15802 Delaney Chase Way, Centreville, supported and complemented Mr. Hickox's efforts as a small business owner. However, Mr. Champ spoke in opposition to the subject application because of the proposed access road to the brewery. Mr. Champ stated he moved his family to his current residence for its serenity, seclusion, and safety. As a part of the seclusion, appreciated the proximity to the Winery at Bull Run and was excited with the news of the proposed farm brewery. The excitement regarding the brewery was dampened when his family learned of the proposed efforts to direct the access road for the proposed brewery off Bull Run Post Office Road and directly through his neighborhood. Mr. Champ added that during the purchase and construction of his home, there any disclosures of the intent for an access road at the frontage of the community. The proposed access road, from the promotional flyers received from the builder, was labeled "a future farm road access". His family was informed that the existing graveled path would be used only for very minimum equestrian traffic. Mr. Champ added that graveled path to service a small equestrian center was different from a two lane that would service a brewery of roughly 700 consumers per hour. The impact of that traffic would be problematic to the neighborhood. Parking in the neighborhood from the potential brewery customers during peak hours of operation was also a concern. Mr. Champ added that safety of children playing on the collector road, walking home, riding bikes, and the safety of the community as a result of unforeseen alcohol and motor vehicle accidents, should be at the forefront of this decision-making process.

Dawn Battle, 15799 Delaney Chase Way, Centreville, spoke in opposition to the subject application because the farm road to the stables was never disclosed, neither was the proposed access point for the brewery. Ms. Battle discussed Mr. Hickox's role as a developer, owner of the winery, the stables and the proposed brewery and ways in which the gifted easement would benefit Ms. Hickox's business. Ms. Battle added Mr. Hickox operated in the capacity of the

President of the homeowners association and was required to make decisions that were in the best interest of the homeowners. Safety issues and the impact of increased traffic on the community as a result of the proposed brewery was also addressed.

Commissioner Strandlie followed up with Ms. Battle and asked how it was possible for housing sales to move forward without full access to homeowner association documents be granted to the purchaser. Commissioner Strandlie added this transaction was a legal requirement. The purchaser had a right of refusal in during that period. Ms. Battle stated the easement was not disclosed and upon inquiry was discouraged from viewing the location of the easement. As a result, the landowners walked down to the location of the easement and saw livestock on portions of their land. Commissioner Strandlie stated there was not a requirement in Virginia that an attorney be present during settlement sales and recommended there be a conversation regarding same.

Kevin Battle, 15799 Delaney Chase Way, Centreville, spoke in opposition to the subject application and concurred with Ms. Battle's testimony. Mr. Battle stated the role of the government was to provide safety to its residents. He added there have been numerous accidents on Bull Run Post Office Road. Mr. Battle added the excessive traffic was a major issue to the current neighborhood and surrounding communities. Mr. Battle was concerned that a direct access road to a brewery would impact the valuations of the surrounding properties. Mr. Battle also asked whether the Stonebridge at Bull Run Winery community was subsidizing the proposed brewery. Mr. Battle suggested that the properties impacted by the proposed development, when combined, would generate more tax revenue to Fairfax County versus revenue received from the proposed brewery.

Jeff Flading, 1678 Sudley Road, Centreville, spoke in opposition to the subject application. Mr. Flading stated he served as Fairfax County's representative to the Bull Run Bypass Environmental Impact Study and empathized with the traffic concerns in the surrounding to include the National Battlefield Park. Mr. Flading stated he attended a land use transportation meeting on July 15th at the Sully Government Center where the developer for the winery and brewery was attendance and heard the concerns of citizens that would be directly impacted by the proposed development. Mr. Flading added he read the special exception application and the Fairfax County staff report associated with the application. After viewing the facts, Mr. Flading recommended denial of the application. He added the statements related to "unnecessarily destroying battlefield" was misleading. Mr. Flading also addressed the lack of disclosure on the current easement and that the applicant did not meet the intent of the Comprehensive Plan. (A copy of Mr. Flading's statement is in the date file.)

Commissioner Hart followed up with Mr. Flading and asked whether there was an increase in commuter traffic from the pavement from Loudoun County to connect to Braddock Road, and the previous stop. Mr. Flading indicated the pavement caused a route change to his commute.

Vincent Stammetti, 6825 Lilly Belle Court, Centreville, spoke in support of the subject application however, addressed concerns with the special exception for the brewery, the access road, and changes in green space from the fence of Lot 10 to the quarry. The green space was converted to a walking path on Bull Run Post Office Road, and gave the neighboring properties provided walking path access to the winery and other community amenities. Mr. Stammetti

believed there was a conflict of interest with Mr. Hickox as the developer and NV Homes. Mr. Stammetti also addressed the installation of a farm road that support the equestrian center, the removal of trees to support construction of a highway, pedestrian safety, and increased traffic. Finally, Mr. Stammetti suggested there should be an alternative to the proposed access road.

Mary Kathryn Stammetti, 6825 Lilly Belle Court, Centreville, spoke in opposition to the subject application because the original architectural design received from NV Homes for her lot showed lots of trees behind with no road. Ms. Stammetti stated she was surprised many of those trees which were part of a tree conservation area were removed. Ms. Stammetti stated she sent a letter accompanied by pictures to the Fairfax County Tree Commissioner of all the trees that were removed. Ms. Stammetti added she was conflicted because she had great respect for Mr. Hickox, and she wanted his brewery to be a success.

Kellie Kim, 9158 Moonstone Drive, Fairfax, spoke in opposition to the subject application. Ms. Kim stated she and her spouse signed a purchase agreement for Lot 12 on August 31, 2018 with a scheduled closing date of July 31, 2019. Ms. Kim added that it was recently brought to her attention the equestrian trail was being expanded to provide access to the proposed brewery. The residents were informed the trail would only be used by horses and those who board their horses at the private equestrian center. Ms. Kim stated the move to the new home was to aid with her daughter's physical and intellectual disabilities and wanted to reduce the commute burden on her and her personal care attendant. Ms. Kim add their family chose the site for safety, peace of mind and to maintain the daughter's ability to walk which would avoid a relapse of being wheelchair bound. Finally, Ms. Kim addressed foreseen issue with traffic and safety concerns, the application's vetting procedure, and the applicant's tone and insensitivities to the community's concerns. (A copy of Ms. Kim's statement is in the date file.)

John Vicari, 9158 Moonstone Drive, Fairfax, spoke in opposition to the subject application, concurred with Ms. Kim's testimony, and reiterated those concerns.

Kim Brace, 6171 Emerywood Court, Manassas, stated his affiliation with the Prince William Historic Commission, the Bull Run Civil War Round Table, and the Manassas Battlefield Trust. Mr. Brace stated absent from being a member of those organizations, his support for the proposed development only represented his views. He stated his interest was in the history of the area and suggested so was Mr. Hickox. He added history should be preserved in the area of the proposed site and suggested Mr. Hickox took the necessary measures for preservation.

John McCraig, 5478 Lick River Lane, Gainesville, spoke in support to the subject application. Mr. McCraig disclosed that his children were employees of the Winery at Bull Run. Mr. McCraig suggested approval of the application would be an opportunity for gainful employment for young adults and for teachers where were unemployed during the summer months. Mr. McCraig added he was familiar with Bull Run Post Office Road and was surprised there was not more concern for the traffic near the Southwestern Youth Association Soccer campus where development was allowed.

Blair Dunleavy, 2763 Cody Road, Vienna, a boarder at the equestrian center, addressed concerns of the decline in the area's farmland. Ms. Dunleavy addressed traffic and safety issues boarders

face making when a right turn out of the existing winery driveway off Route 29, when transporting their horses to and from the center.

Mary Small, 3011 Rose Creek Court, Oakton, stated she was perplexed by the feedback from the existing homeowners regarding the lack of disclosure for the proposed development and access road. She stated she planned on purchasing a home in the area and even though she did receive full disclosure on plans for the access road.

In his rebuttal testimony Mr. Hickox stated he heard all the concerns for traffic in the area, but no testimony was supported by a traffic study. The application was supported by a traffic study by the Grove/Slade Associates, Inc. Mr. Hickox added the access road did not go through the community. The conservation easement was legally recorded, and Mr. Hickox stated he did not benefit financially from that easement. Mr. Hickox added the easement would allow for horses to go through the trail. He stated he was not an investor of the model home and suggested the claim was a conspiracy theory. A suggestion was made that the community be gated on the private road and would eliminate many of the concerns. Changes made to the farm road resulted from completing the obligation for the County's development condition. Mr. Hickox stated that he could not and should not attempt to defend any claims or possible misrepresentation by NV Homes. All disclosures regarding the farm road and its intended use were made by him. Mr. Hickox addressed comments made by Mr. Man regarding access to the property and indicated those comments were false. No highway references were made to the farm road, but rather a reference for alternate routes through battlefield, Luck Stone, and the property referenced for the highway. The sightline issue referenced was confirmed by Land Design Consultants, Inc.

There was a discussion between Ms. Estes; Mr. O'Donnell; Mr. Hickox; Natasha H. Jimenez, Stonebridge Investments LLC; and multiple Commissioners regarding the following:

- The crime rate at the winery;
- The hours of operation;
- Whether the improved graveled surface for the access road could be upgraded to a different type of material;
- Clarification of Mr. Hickox's role as a board member for the homeowners association and how fiduciary duty responsibility was exercised;
- Clarification of Mr. Hickox's relationship with NV Homes;
- Clarification of the conservation easement and whether the easement was a financial benefit to the homeowners or Mr. Hickox;
- The anticipated water usage for the brewery, the impact of that usage on neighboring wells, and the impact the water use would have if it were a by-right single-family development; and

- The volume of water from beer waste that would be deposited into the onsite sewage system.

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

(Start Verbatim Transcript)

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Commissioner Tanner: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ONLY FOR SE 2019-SU-007 [SIC], TO A DATE CERTAIN OF JULY 24TH, 2019.

Commissioners Niedzielski-Eichner and Hart: Second.

Chairman Murphy: Seconded by Mr. Niedzielski-Eichner and Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer this application to a date certain of July 24th, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: I thought you'd all say aye. Wanna try it again? All in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Motion – thanks a lot. Motion carries.

The motion carried by a vote of 10-0. Commissioners Cortina and Ulfelder were absent from the meeting.

(End Verbatim Transcript)

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CLOSING

July 17, 2019

The meeting was adjourned at 1:11 a.m.

Peter F. Murphy, Chairman

James T. Migliaccio, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 552, Fairfax, VA 22035.

Minutes by: Samantha Lawrence

Approved on: December 11, 2019

Jacob Caporaletti

Jacob L. Caporaletti, Clerk to the
Fairfax County Planning Commission

County of Fairfax

Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 22 day of January 2020, by
Jacob Caporaletti.

Dorothy M. Steele

Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2020

