

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
THURSDAY, JULY 18, 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 C. Ulfelder, Dranesville District  
John A. Carter, Hunter Mill District  
Julie M. Strandlie, Mason District  
Walter C. Clarke, Mount Vernon District  
Phillip A. Niedzielski-Eichner, Providence District

ABSENT: Donté Tanner, Sully District  
Mary D. Cortina, Commissioner At-Large

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The meeting was called to order at 7:36 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Sargeant announced that the Planning Commission's Schools Committee would meet on Tuesday, July 23, 2019 at 7:30 p.m. in the Board Conference Room of the Fairfax County Government Center to continue discussion with members of the Fairfax County School Board on issues related to school planning and the Comprehensive Plan. He added that the meeting was open to the public.

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Commissioner Migliaccio announced that the Planning Commission's Land Use Process Review Committee would meet on Thursday, July 25, 2019 at 6:30 p.m. in the Board Conference Room of the Fairfax County Government Center to discuss second phase update to the Public Facilities Manual.

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Commissioner Migliaccio announced that Jacob Caporaletti, Clerk to the Planning Commission, had distributed drafts of the meeting minutes for the Planning Commission meetings from January 2019 to February 2019 to the Commissioners. He instructed Commissioners to submit revisions to Mr. Caporaletti and announced his intent to move approval of the aforementioned minutes at the Planning Commission meeting on July 31, 2019.

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Commissioner Hurley announced that the Planning Commission's Policy and Procedures Committee would meet on July 24, 2019 at 6:30 p.m. in the Board Conference Room of the Fairfax County Government Center.

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

*(Start Verbatim Transcript)*

Commissioner Niedzielski-Eichner: Thank you, Mr. Chairman. I made a motion last night to defer a public hearing. I made – the motion was the wrong date. And, so I'm going to offer a motion to – with the correct date. I MOVE THAT PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR 2232-P18-26 AND SE 2018-PR-023, TO A DATE CERTAIN OF SEPTEMBER 18<sup>TH</sup>, 2019.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion as articulated by Commissioner Niedzielski-Eichner, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 9-0. Commissioner Strandlie was absent from the vote. Commissioners Cortina and Tanner were absent from the meeting.

*(End Verbatim Transcript)*

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RZ/FDP 2019-SU-002 – JDA CUSTOM HOMES, INC. (Decision Only) (Public Hearing on these applications was held on July 10, 2019)

*(Start Verbatim Transcript)*

Commissioner Hart: Thank you, Mr. Chairman. On July 10<sup>th</sup>, the Commission held a public hearing on the JDA Custom Homes case and deferred the decision until tonight. This application is subject to the restrictions contained in *Virginia Code* Section 15.2-2303.4, which the Virginia General Assembly enacted in 2016. This law significantly restricts the ability of a locality to discuss possible proffers because that discussion could violate the statute and subject the County to liability. Although the General Assembly approved amendments to the statute earlier this year, those amendments do not affect this application. So, in an abundance of caution, and even though the Planning Commission is not the locality, we have discussed and considered only what

the applicant has already proposed and the impacts of any potential development. Nothing in our discussions here should be construed as a request, suggestion, or requirement for any proffer. I would like to request the applicant's attorney to come down to the podium.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubley & Walsh, PC: Good evening, Mr. Chairman, members of the Commission, my name is Lynne Strobel. I represent the applicant.

Commissioner Hart: Thank you. Ms. Strobel. I have some questions. First, has the locality or anyone acting on its behalf suggested, requested, or required any proffer with regard to this application?

Lynne Strobel: No.

Commissioner Hart: Second, do all the proffers included in this application conform to the requirements of *Virginia Code* Section 15.2-2303.4?

Lynne Strobel: Yes.

Commissioner Hart: Thank you. This is an infill rezoning request, consistent with the lots surrounding it. I want to thank the citizens who came out to the public hearing and who submitted written correspondence and emails, which was very helpful. I want to thank the applicant, Mr. Dennis Rice, and his attorney Lynne Strobel and their engineer, Ted Britt, for their cooperation throughout the process, and their meetings with Sully District Council and the neighbors. I also want to thank our staff, Kelly Posusney and Billy O'Donnell, as well as Laura Gori and David Stoner in the County Attorney's office, and Amber-Lee Leslie in Supervisor Kathy Smith's office, for their assistance. We have revised proffers, which have been distributed to the Commission this week. The rezoning request has staff's favorable recommendation, with which I concur. We have worked through several issues, the principal one being the schools proffer, which we now can accept. The retaining wall details have been clarified to staff's satisfaction. The stormwater provisions also have been revised since the public hearing, provide for maintenance of the components, and are acceptable to staff. We were not able to resolve all the trails issues with the adjacent Homeowners Association, and they also have since decided not to absorb the lots into their association, but this community can exist independently, and staff supports the final package. I believe with the revised proffers, the application now is ready to move forward to the Board of Supervisors, and therefore, I will have two motions. First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2019-SU-002, CONSISTENT WITH THE PROFFERS NOW DATED JULY 16, 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 2019-SU-002, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Niedzielski-Eichner: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Niedzielski-Eichner: I'll abstain on this.

Chairman Murphy: The Chair abstains too, was not present for the public hearing. Mr. Clarke abstains.

Commissioner Niedzielski-Eichner: My abstention is related to the proffer law, as it has historically been the case.

Commissioner Hart: Okay. Secondly, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2019-SU-002.

Commissioner Sargeant. Second.

Chairman Murphy: Second Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion to approve the FDP on this application, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Each motion carried by a vote of 7-0-3. Commissioners Clarke, Niedzielski-Eichner, and Murphy abstained from each vote. Commissioners Cortina and Tanner 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-HM-024 – ORR-BSL HUNTER MILL, LLC

This order was accepted without objection.

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SE 2018-HM-024 – ORR-BSL HUNTER MILL, LLC – Appl. under Sects. 3-E04, 9-301 and 9-308 of the Zoning Ordinance to permit a medical care facility. Located at 2347 Hunter Mill Rd.,

Vienna, 22181 on approx. 6.68 ac. of land zoned R-E. Tax Map  
37-2 ((1)) 26. HUMTER MILL DISTRICT. PUBLIC HEARING.

Commissioner Carter announced his intent to defer the decision only on the subject application to a date certain of September 12, 2019.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C., reaffirmed the affidavit dated June 28, 2019.

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

Katelyn Antonucci, Zoning Evaluation Division, Department of Planning and Development (DPD), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application SE 2018-HM-024.

Ms. Strobel gave a presentation on the subject application.

There was a discussion between Ms. Strobel; Ms. Antonucci; S. Michael Lynn, Applicant's Consultant, SES Mid Atlantic, LLC; Nicole Brannan, Planning Division, DPD; Eric Gardner, Applicant/Contract Purchaser; and multiple Commissioners on the following issues:

- The extent to which the proposed assisted living facility was consistent with the recommendations prescribed by the Comprehensive Plan;
- The adequacy of the surrounding transportation network to accommodate the traffic and trips generated by the proposed facility;
- The status of Hunter Mill Road as a scenic byway;
- The size, density, and character of the proposed facility, relative to the existing residential development in the surrounding community;
- The feasibility of the proposed septic system that would be utilized by the facility;
- The reason for permitting a medical care facility in a RE District, subject to the approval of a special exception;
- The instances in which similar facilities had been permitted in a RE District in the County;
- The processes and mechanisms for removing hazardous chemicals from wastewater prior to discharge from the site;
- The ecological impact of the proposed septic system for the facility;
- The negative environmental impacts of a septic system on neighboring properties if the system was inadequate;
- The procedures and mechanisms for testing the prevalence of hazardous chemicals within the wastewater runoff generated by the site;
- The mechanisms for mitigating the impact or generation of hazardous chemicals within the wastewater runoff generated by the site;
- The process for certifying the use of the proposed septic system by the County;

- The process for determining whether supplemental mechanisms or remediation efforts were necessary for the proposed septic system;
- The process for reporting the operation and effectiveness of the proposed septic system;
- The standards and guidelines for septic systems prescribed by the County and the state of Virginia;
- The process the applicant utilized to determine that the proposed septic system was appropriate for the subject property;
- The criteria and associated documentation for including the Hunter Mill Road Historic District in the National Registry of Historic Places and the Virginia Landmarks Registry;
- The portions of Hunter Mill Road that had been removed from the Hunter Mill Road Historic District and the associated documentation of that removal;
- The visual impact and justification for implementing an assisted living facility along a scenic byway, such as Hunter Mill Road;
- The estimated cost of a dwelling unit at the proposed assisted living facility;
- The types of dwelling units that would be available at the proposed assisted living facility;
- The amenities that would be provided to residents of the proposed facility;
- The percentage of the dwelling units that would be reserved for the County's Auxiliary Grant Program (AGP); and
- The requirements and guidelines for residents who utilized the AGP.

The discussion resulted in no changes to the subject application.

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

Patrick Foster, 2220 Arynness Drive, Vienna, representing the Wickens Hunt Homeowners Association, opposed to the subject application and gave a video presentation that articulated the following concerns:

- The density of the proposed assisted living facility was significantly greater than the existing residential development in the area;
- The proposed facility was not compatible with the rural character of the surrounding area;
- The approval of the proposed facility would establish a precedent for permitting high-density development in the area;
- The proposed facility would incur a negative environmental impact on the surrounding area due to the stormwater and wastewater runoff generated by the site; and
- The proposal had not adequately met the standards for permitting a special exception, as prescribed by Section 9-001 of the Zoning Ordinance.

Mr. Foster's video presentation is included in the video recording of the meeting.

Sheila Dunheimer, 10505 William Terry Drive, Vienna, representing the Coalition to Replace Gabrielson Bridge, voiced opposition to the subject application due to the following concerns:

- The environmental impact generated by the proposed assisted living facility;

- The negative impact that such a development would have on the existing horseback riding activities in the area;
- The noise impact generated by emergency vehicles that served the facility;
- The traffic impact generated by the proposed facility;
- The applicant's efforts to provide justification for the facility at the site; and
- The impact of the proposed facility's septic system on the water quality throughout the area.

A copy of Ms. Dunheimer's statement is in the date file.

Katarina Sibay, 2257 Hunter Mill Road, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the density, character, water quality, and environmental impact of the proposed facility on the site.

Linda Andress, 10509 Hunters Valley, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the operation of the proposed septic system, the impact on water quality, the overall environmental impact, and the character compatibility of the proposed assisted living facility. She also aligned herself with comments from previous speakers regarding the applicant not providing adequate justification for implementing such a facility on the site. In addition, Ms. Andress expressed concern regarding the visual impact of the facility from neighboring properties and the traffic impact generated by garbage trucks and shuttle buses. (A copy of Ms. Andress' statement is in the date file.)

Jehanne Arslan, 11000 Carter Cooper Way, Oakton, representing the Oakton Women's Club, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the operation of the proposed septic system, the impact on water quality, the cumulative environmental impact, the character compatibility of the proposed facility with the existing community, the overall traffic impact on the surrounding road network, and the incompatibility of the facility with the recommendations prescribed by the Comprehensive Plan. In addition, she expressed concern regarding the potential vacation of a conservation easement on the site to accommodate a reserve drainfield for the proposed septic system. (A copy of Ms. Arslan's statement is in the date file.)

There was a discussion between Ms. Strobel and Commissioner Strandlie on the following issue:

- The primary means of transportation that employees of the proposed assisted living facility would utilize to access the site;
- The availability of public transportation for accessing the facility; and
- The proximity of the site to a Metrorail Station.

The discussion resulted in no changes to the subject applications.

Linda Byrne, 2801 Oakton Manor Court, Oakton, spoke in opposition to the subject application due to concerns regarding safety, character compatibility, and traffic impact. (A copy of Ms. Byrne's statement is in the date file.)

Vicki Nelson, 2400 Mare Lane, Oakton, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the traffic impact generated by the use, the operation of the septic system for the proposed facility, the impact on overall water quality in the surrounding area, and character compatibility of the facility with the surrounding area. In addition, she expressed concern regarding the applicant's provisions for providing back-up generators for the facility in the event of a prolonged power outage.

Holly DePaul, 10214 Vale Road, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the traffic impact, the operation of a septic system, the environmental impact, the vacation of an existing conservation easement, and the character compatibility of the proposed facility with the surrounding area. In addition, she noted the existing traffic conditions and safety hazards of Hunter Mill Road.

David Bell, 10507 Silk Oak Drive, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character compatibility of the proposed facility with the surrounding area, the proposal's incompatibility with the Comprehensive Plan, the traffic impact on the surrounding road network, and the environmental impact of the facility's septic system. He also said that the proposal did not adequately meet the criteria for permitting a special exception, as prescribed by the Zoning Ordinance. (A copy of Mr. Bell's statement is in the date file.)

Tammi Petrine, 2503 Foxcroft Way, Reston, representing Reston 20/20, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character compatibility of the proposed assisted living facility, the applicant's inadequate justification for the facility, the environmental impact of the proposed septic system for the facility, and the traffic impact on the surrounding road network. In addition, she noted the significant public opposition to the proposal. (A copy of Ms. Petrine's statement is in the date file.)

Jody Bennett, 1459 Hunter View Farms, Vienna, representing Crowell Corners Citizens Association, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character incompatibility of the proposed assisted living facility with the surrounding area, the insufficient adherence to the criteria for permitting a special exception, the environmental impact of the proposed septic system that would be utilized by the facility, the proposal's incompatibility with the Comprehensive Plan, and the visual impact of the facility. (A copy of Ms. Bennett's statement is in the date file.)

Diane Blackwell, 11731 Stuart Mill Road, Oakton, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character incompatibility of the proposed assisted living facility with the surrounding area, the visual impact of the facility, the environmental impact of the proposed septic system for the facility, and the facility's impact on water quality for residents of the surrounding community. She also expressed concern regarding the proposed facility's impact on flooding throughout the area. (A copy of Ms. Blackwell's statement is in the date file.)

William Lightfoot, 2237 Hunter Mill Road, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character incompatibility of the proposed assisted living facility with the surrounding area, the environmental impact of the

proposed septic system for the facility, and the facility's impact on water quality for residents of the surrounding community. He also expressed concern regarding the adequacy of the applicant's efforts to monitor the water quality of the surrounding area for hazardous contaminants. (A copy of Mr. Lightfoot's statement is in the date file.)

Ankit Jain, 10421 Lawyers Road, Vienna, spoke in support of the subject application because it would serve the growing demand for assisted living services throughout the County, but aligned himself with concerns from previous speakers regarding the impact of the proposed facility's septic system on the surrounding area. He said he supported efforts to mitigate and monitor the impact of the septic system. In addition, Mr. Jain noted that the character of the surrounding community had changed over the years to become less rural and the proposed facility was consistent with that character.

Daniel Chute, 10411 Hunters Valley Road, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character incompatibility of the proposed assisted living facility with the surrounding area, the environmental impact of the proposed septic system for the facility, the traffic impact of the facility on the surrounding road network, the facility's impact on water quality for residents of the surrounding community, and the proposal's impact on flooding in the area. In addition, he voiced concern regarding the health and safety hazards associated with assisted living facilities. (A copy of Mr. Chute's statement is in the date file.)

Grant Sitta, 2313 Sawdust Road, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the proposed assisted living facility's incompatibility with the Comprehensive Plan, the proposal's impact on flooding in the area, the environmental impact of the proposed septic system for the facility, and the facility's impact on water quality for residents of the surrounding community. Mr. Sitta also indicated that the applicant's review of the environmental conditions of the subject property was not adequate. (A copy of Mr. Sitta's statement is in the date file.)

Bret Busse, 10512 Walter Thompson Drive, Vienna, representing the Hunters Valley Association, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character incompatibility of the proposed assisted living facility with the surrounding area, the environmental impact of the proposed septic system for the facility, the removal of the existing conservation easement on the site, the adequacy of the applicant's evaluation of the subject property, and the proposal's impact on flooding in the surrounding area. In addition, Mr. Busse said that the proposal's provisions for retaining walls and cellar space were inadequate. (A copy of Mr. Busse's statement is in the date file.)

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The Planning Commission went into recess at 10:36 p.m. and returned at 10:53 p.m.

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Ronald Holt, 10505 Hunters Valley Road, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character incompatibility of the proposed

assisted living facility with the surrounding area, the environmental impact of the proposed septic system for the facility, the safety hazards generated by the wastewater discharge from the facility, and the impact of the septic system on the water quality on the surrounding neighborhood. Mr. Holt also stated that the operation and use of an assisted living facility was consistent with a commercial development. In addition, he noted the standards and requirements prescribed for medical care facilities and said that such development was inappropriate for locating within an established residential community. (A copy of Mr. Holt's statement is in the date file.)

Samy Kebaish, 2333 Hunter Mill Road, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character incompatibility of the proposed assisted living facility with the surrounding area, the environmental impact of the proposed septic system for the facility, and the safety hazards generated by the wastewater discharge from the facility. Mr. S. Kebaish added that the applicant's provisions for treating the wastewater generated by the site prior to discharge was not adequate. (A copy of Mr. Kebaish's statement is in the date file.)

Adel Kebaish, 2333 Hunter Mill Road, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the environmental impact of the proposed septic system for the assisted living facility, the safety hazards generated by the wastewater discharged from the site, the facility's impact on flooding in the area, and the overall impact on water quality throughout the area. In addition, he said that the topography and soil conditions of the site were not capable of filtering the wastewater discharge generated by the proposed facility. Mr. A. Kebabash also spoke on behalf of Karim Kebish 2333 Hunter Mill Road, Vienna, who aligned himself with Mr. A. Kebaish's opposition to the subject application.

Jack Lawson, 10519 Walter Thompson Drive, Vienna, spoke in opposition to the subject application, aligning himself with the concerns expressed by previous speakers.

Rick Rothenberger, 2318 Sawdust Road, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the environmental impact of the proposed septic system for the assisted living facility, the removal of a conservation easement from the site, the safety hazards generated by the proposed septic system, and the impact on overall water quality in the area. (A copy of Mr. Rothenberger's statement is in the date file.)

Bruce Bennett, 1459 Hunter View Farms, Vienna, representing the Hunter Mill Road Traffic Calming Study Committee, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character incompatibility of the proposed assisted living facility with the surrounding area and the traffic impact of the facility on the surrounding road network.

Jamie Rothenberger, 2318 Sawdust Road, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the environmental impact of the proposed septic system for the assisted living facility and safety hazards generated by that septic system. (A copy of Ms. Rothenberger's statement is in the date file.)

Bret Leslie, 9929 Woodrow Street, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the environmental impact of the proposed

septic system for the assisted living facility, the safety hazards generated by the operation of that septic system, the removal of the existing conservation easement on the site, and the inadequacy of the applicant's efforts to treat the wastewater runoff prior to discharge. In addition, Mr. Leslie said that the evaluation conducted by staff on the existing environmental conditions in and around the subject property was inadequate. (A copy of Mr. Leslie's statement is in the date file.)

Sally DiGiovanni, 2603 Lasswade Lane, Oakton, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the environmental impact of the proposed septic system for the assisted living facility, the removal of an existing conservation easement from the site, the safety hazards generated by the proposed septic system, the character incompatibility of the facility with the surrounding area, the traffic impact of the facility on the surrounding road network, and the proposal's inconsistency with the Comprehensive Plan. In addition, she expressed concern regarding the applicant's stormwater management provisions for the proposal and the ability for emergency vehicles to access the site.

Jennifer Laughlin, 10511 Walter Thompson Drive, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character incompatibility of the proposed assisted living facility with the surrounding area, the traffic impact of the facility on the surrounding road network, and the visual impact of the facility. Ms. Laughlin also voiced concerns regarding safety hazards for pedestrians due to the increased traffic generated by the proposal.

Kate O'Hara, 11645 Stoneview Square, Unit 11C, Reston, spoke in support of the subject application because it served the growing demand for assisted living services and improved the quality of life for elder residents of the County.

Gina Warner, 11707 Ayreshire Road, Oakton, representing the Stuart Mill Woods Homeowners Association, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character incompatibility of the proposed assisted living facility with the surrounding area, the environmental impact of the proposed septic system for the facility, the removal of the existing conservation easement from the site, and the inadequacy of the applicant's provisions to treat the wastewater generated by the facility prior to discharge. Ms. Warner also expressed concern that permitting the proposal would establish a precedent for allowing similar developments within existing residential communities.

Jason Bell, 5927 Fairview Woods Drive, Fairfax Station, spoke in support of the subject application, echoing remarks from previous speakers regarding the growing demand for assisted living facilities throughout the County, the extent to which the proposal would serve that demand, and the improved quality of life that such facilities fostered. Mr. Bell also noted the successful operation of similar facilities.

Bayu Demirci, 4124 Monument Court, Unit 304, Fairfax, spoke in support of the subject application, echoing remarks from previous speakers regarding the growing demand for assisted living facilities throughout the County and the extent to which the proposal would serve that demand. Mr. Demirci also noted the potential economic benefits that such a facility would incur for the area. In addition, he described the trends in providing assisted living for senior populations.

Scott Siegel, 12700 Autumn Crest Drive, Herndon, spoke in support of the subject application, echoing remarks from previous speakers regarding the growing demand for assisted living facilities throughout the County. In addition, Mr. Siegel said that the facility would positively impact the character of the surrounding community.

Sheri Siegel, 12700 Autumn Crest Drive, Herndon, spoke in support of the subject application, echoing remarks from previous speakers regarding the growing demand for assisted living facilities throughout the County and the extent to which such a facility would improve the quality of life for senior residents and their families. Ms. Siegel also noted the positive visual impact of similar facilities located throughout the County.

Ellen MacGregor, 2432 Sunny Meadow Lane, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character incompatibility of the proposed assisted living facility with the surrounding area. In addition, Ms. MacGregor stated that the amenities for the proposed facility were not adequate and the rural character of the community could incur safety hazards for residents of the facility.

Giuseppa Bianchi, 10410 Hunters Valley Road, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character incompatibility of the proposed assisted living facility with the surrounding area, the proposal's overall inconsistency with the Comprehensive Plan, the environmental impact of the proposed septic system on the surrounding area, and the impact on water quality incurred by that septic system. Ms. Bianchi also voiced concern regarding the impact of the emergency vehicles that frequently accessed the site and the noise impact generated by the sirens of such vehicles.

Mark Hamberlin, 10309 E. Hunter Valley Road, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character incompatibility of the proposed assisted living facility with the surrounding area, the facility's traffic impact on the surrounding road network, the safety hazards to pedestrians generated by the traffic impact, and the environmental impact of the proposed septic system for the facility. Mr. Hamberlin added that he supported relocating the facility at another site that was zoned for commercial development.

Carl Carter, 10500 Hunters Valley Road, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the applicant's insufficient efforts to justify installing an assisted living facility on the site and the character incompatibility of the proposed facility with the surrounding area.

Timothy Greten, 1348 Hunter Mill Road, Vienna, representing the Hunter Mill Defense League, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character incompatibility of the proposed assisted living facility with the surrounding area, the applicant's insufficient efforts to justify installing such a facility on the site, the traffic impact on the existing road network that would be generated by the facility, and the proposal's overall inconsistency with the County standards for permitting a special exception.

Patricia Icke, 1927 Hunter Mill Road, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character incompatibility of the proposed assisted living facility with the surrounding area, the environmental impact that the facility's septic system would incur, the potential safety hazards generated by the wastewater runoff from the facility,

Patricia Houston, 2251 Hunter Mill Road, Vienna, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character incompatibility of the proposed assisted living facility with the surrounding area.

John R Feroldi, 2407 Mare Lane, Oakton, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the environmental impact of the proposed septic system for the assisted living facility and the traffic impact of the facility on the existing road network. (A copy of Mr. Feroldi's statement is in the date file.)

Chris Koerner, 3273 Fox Mill Road, Oakton, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the environmental impact of the proposed septic system for the assisted living facility, the potential safety hazards generated by the wastewater runoff from the facility, and the proposal's inadequate stormwater management provisions. (A copy of Mr. Koerner's statement is in the date file.)

Kevin Robinson, 14666 Seasons Drive, Centreville, spoke in support of the subject application, echoing remarks from previous speakers regarding the growing demand for assisted living development for seniors. He also noted the importance of providing quality amenities for assisted living facilities.

Stephanie Moumen, 4036 Maple Street, Fairfax, spoke in support of the subject application, echoing remarks from previous speakers regarding the growing demand for assisted living development for seniors. In addition, Ms. Moumen noted that the traffic patterns of assisted living facilities were not consistent with those of other commercial development and the existing road network could accommodate such impacts. She also indicated that the character of such facilities was appropriate for residential communities.

Rachel Rice, 1937 Winterport Cluster, Reston, representing the Hunters Valley Riding Club, spoke in opposition to the subject application, echoing concerns from previous speakers regarding the character incompatibility of the proposed assisted living facility with the surrounding area, the proposal's lack of consistency with the Comprehensive Plan, the traffic impact of the facility on the existing road network, the safety hazards generated by such traffic, and the applicant's efforts to justify locating the facility on the subject property. In addition, Ms. R. Rice expressed concern that the operation of the facility would negatively impact the existing horse-riding activities located near the site.

Chairman Murphy called for speakers from the audience.

Nancy Rice, 2217 Halcyon Lane, Vienna, representing the Hunters Valley Riding Club, spoke in opposition to the subject application, aligning herself with the concerns expressed by previous

speakers. In addition, she noted that the nearby wooded areas were a safety hazard for residents of the proposed assisted living facility.

Edward Rice, 2217 Halcyon Lane, Vienna, spoke in opposition to the subject application. He questioned the credibility of previous speakers who had voiced support for the proposal.

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

- The subject application was consistent with the most up-to-date standards for continuing care facilities, as prescribed by the Zoning Ordinance;
- The applicant had reviewed the existing maps depicting the resource protection area (RPA) located near the site and confirmed that the proposed development would not encroach into that area;
- The applicant had conducted adequate analysis of the soil conditions with appropriate personnel to verify that the site could accommodate the wastewater runoff generated by the septic system of the proposed facility;
- The traffic patterns generated by the proposed facility was not consistent with that of a commercial development;
- The traffic generated by the facility would not be concentrated during peak traffic periods;
- The applicant had conducted a traffic analysis to verify that the existing road network could accommodate the traffic generated by the facility;
- The applicant had committed to vacating a portion of the existing conservation easement on the site and that portion would be preserved in a manner that would not negatively impact the water quality that flowed from it;
- The applicant's stormwater management provisions were consistent with the appropriate standards;
- The proposed facility was designed in a manner to complement the topography of the site; and
- The use of cellar space within the proposed facility was consistent with the standards prescribed by the County.

There was a discussion between Ms. Strobel, Ms. Antonucci, and multiple Commissioners on the following issues:

- The possible presence of a spring on the subject property;
- The implications for the proposal if a spring were discovered on the site;
- The possible uses for the cellar space of the proposed assisted living facility;
- The standards and guidelines for cellar space, as prescribed by the Zoning Ordinance;
- The boundary of the RPA that was located near the site;
- The extent to which location of a spring on the site would impact the boundaries of the RPA;
- The evaluations that the applicant had conducted on the environmental features of the site and the subsequent conclusions of those evaluation;

- The possibility of conducting additional evaluations of the environmental conditions on the site;
- The impact of the conservation easement on the lot sizes of the subject property;
- The efforts of the surrounding community to submit their concerns to the applicant;
- The potential for subsequent coordination between the applicant and the community to evaluate the soil conditions of the site;
- The status of Hunter Mill Road as a scenic byway;
- The topography of the site and the impact of topography on the use of conservation easements on the site; and
- The flow of runoff in and around the site.

The discussion resulted in no changes to the subject application.

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

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

*(Start Verbatim Transcript)*

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Commissioner Carter: Okay, let's see. I'm having a senior moment here.

Chairman Murphy: Well, we aged a lot tonight.

Commissioner Carter: I MOVE THAT PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2018-HM-024, TO A DATE CERTAIN OF SEPTEMBER 12<sup>th</sup>, 2019.

Commissioner Hart. Second.

Chairman Murphy: Seconded by 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 September 12<sup>th</sup>, with the record remaining open for comments, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

*(End Verbatim Transcript)*

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The meeting was adjourned at 1:16 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, Virginia 22035.

Minutes by: Jacob Caporaletti

Approved on: December 11, 2019

*Jacob Caporaletti*

Jacob 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. Brown*  
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2020

