

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, APRIL 26, 2017**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
James R. Hart, Commissioner At-Large
Timothy J. Sargeant, Commission At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Julie M. Strandlie, Mason District
Earl L. Flanagan, Mount Vernon District
Phillip A. Niedzielski-Eichner, Providence District
Karen A. Keys-Gamarra, Sully District
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:13 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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CLOSED SESSION

Chairman Murphy recognized Commissioner de la Fe before going into commission business and the public hearing.

(Start Verbatim Transcript)

Commissioner de la Fe: Thank you Mr. Chairman. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION GO INTO CLOSE SESSION WITH ATTORNEYS FROM THE COUNTY ATTORNEY'S OFFICE, TO DISCUSS SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL ADVICE AND SPECIFICALLY RELATING TO VIRGINIA CODE SECTION 15.22303.4, THE PROFFERS STATUTE RECENTLY ADOPTED BY THE GENERAL ASSEMBLY, ALL AS PERMITTED BY VIRGINIA CODE SECTION 2.2-3711(7).

Commissioner Hart: Second.

Chairman Murphy: Second Mr. Hart. 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. We shall return, hopefully.

The motion was carried by a vote of 12-0.

COMMISSION MATTERS

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Commissioner de la Fe: Mr. Chairman, in accordance with Virginia Code Section 2.2-3712, I MOVE THAT THE PLANNING COMMISSION MEMBERS CERTIFY THAT TO THE BEST OF EACH MEMBER'S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPT 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 CLOSE SESSION WAS CONVENED, WERE HEARD, DISCUSSED OR CONSIDERED IN THE CLOSED SESSION.

Commissioner Hart: Second.

Chairman Murphy: Second Mr. Hart. Is there a discussion? All those in favor of the motion as articulated by Commissioner de la Fe, say aye.

Commissioners: Aye.

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

The motion was carried by a vote of 12-0.

(End Verbatim Transcript)

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Upon returning from closed session, Commissioner de la Fe MOVED THAT THE 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.

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

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COMMISSION MATTERS

PA 2017-CW-1CP COMPREHENSIVE PLAN AMENDMENT (MOBILE AND LAND BASED TELECOMMUNICATIONS POLICY PLAN)

(Start Verbatim Transcript)

Commissioner Hart: Yes, thank you, Mr. Chairman. We announced last week – about the Telecommunications amendment and I understand from staff we still have to do a motion tonight.

We are going to have a closed session with the County Attorney on that. A date, I think is not been – May 4th. Alright, we're going to do it the night of May 4th. Mr. Chairman I MOVE that we defer the public hearing on Plan Amendment PA 2017-CW-1CP, COMPREHENSIVE PLAN AMENDMENT MOBILE AND LAND BASED TELECOMMUNICATIONS POLICY PLAN, to June 21, 2017.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded Mr. Migliaccio. Discussion? All those in favor of the motion to defer the application to June 21, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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RZ 2016-HM-010/SE 2016-HM-007 – SCIMORES ACADEMY LLC
(Decision Only) (The public hearing was held on April 19, 2017)

(Start Verbatim Transcript)

Commissioner de la Fe: Yes, Mr. Chairman, I have a decision only tonight. Last week, we heard RZ 2016-HM-010/SE 2016-HM-007, Scimores Academy, LLC. And we deferred the decision so that, although everybody agreed that this was an excellent application and everybody liked it, there were some fine-tuning that need to be done particularly as it related to the historic houses on site in the proffers. I believe it was Proffer 4 – Proffer 4. And, we did – and we did make those changes and you received them. And so I'm ready now to move on this. Mr. Chairman, is Mr. Painter here?

Andrew Painter, S Walsh, Colucci, Lubeley & Walsh, PC: Good evening.

Commissioner de la Fe: Yes, can you identify yourself for the record, please?

Mr. Painter: Yes, Andrew Painter with the Law Firm of Walsh, Colucci on behalf of the applicant, Scimores Academy, LLC.

Commissioner de la Fe: Thank you very much. I request that the applicant confirm, for the record, agreement to the Special Exception Development Conditions dated April 19th, 2017.

Mr. Painter: On behalf of the applicant, we have read and understand, and agree to those conditions.

Commissioner de la Fe: Thank you very much. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE FOLLOWING: APPROVAL OF RZ 2016-HM-010, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED APRIL 21ST, 2017.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor ...yes, Mr. Ulfelder?

Commissioner Ulfelder: Yes, since I'm the one who raised the issues concerning the preservation of the historic houses, I just wanted to briefly say I appreciate the – staff's catching the issue and working with the applicant and the applicants working with staff to address the – those issues. And, perhaps once all of these additional houses are under single ownership we can look for – think about a possible historic overlay district for this area, if the – and particularly if the Park Authority would go along with that possible idea.

Chairman Murphy: Further discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2016-HM-010, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Yes?

Commissioner Hurley: I abstain, not present for the public hearing.

Chairman Murphy: Ms. Hurley abstains, not present for the public hearing.

Commissioner Strandlie: I abstain too, not present.

Chairman Murphy: Ms. Strandlie abstains also.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2016-HM-007, SUBJECT TO THE SPECIAL EXCEPTION DEVELOPMENT CONDITIONS DATED APRIL 19TH, 2017.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Discussion? All those in favor of the motion recommend to the Board of Supervisors that it approve SE 2016-HM-007, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner de la Fe: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVERS AND MODIFICATIONS CONTAINED IN THE HANDOUT DISTRIBUTED TO YOU EARLIER THIS EVENING DATED APRIL 19TH, 2017, WHICH WILL BE MADE A PART OF THE RECORD.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Same abstentions.

Commissioner de la Fe: Thank you very much.

Chairman Murphy: Thank you very much.

Each motion carried by a vote of 10-0-2. Commissioners Hurley and Strandlie abstained from the vote.

(End Verbatim Transcript)

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2232-L16-48 – VERIZON WIRELESS, 6364 Commerce Street, Springfield

(Start Verbatim Transcript)

Commissioner Migliaccio: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND APPLICATION 2232-L16-48, LOCATED AT 6364 COMMERCE STREET, SPRINGFIELD, VIRGINIA, BE CONSIDERED A FEATURE SHOWN, PURSUANT TO VIRGINIA CODE SECTION 15.2-2232 AS AMENDED.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Is there a discussion? All those in favor of the motion to concur with the “features shown” determination in 2232-L16-48, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Commissioner Hart established the following order of the agenda:

1. PCA 96-L-005-04 – GREENSPRING VILLAGE INCORPORATED
SEA 96-L-034-04/2232-L15-19 – PARTNERSHIP d/b/a VERIZON
WIRELESS/GREENSPRING VILLAGE INCORPORATED
2. RZ/FDP 2016-MA-026/PCA/FDPA 2000-MA-055 – STANLEY MARTIN
COMPANIES, LLC

This order was accepted without objection.

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PCA 96-L-005-04 – GREENSPRING VILLAGE
INCORPORATED – Appl. to amend the proffers for RZ 96-L-005
previously approved for elderly housing with accessory nursing
facilities to permit telecommunications facilities monopole and
associated modifications to proffers and site design. Located N. of
Franconia-Springfield Pkwy. approx. 1,500 ft. W. of its intersection
with Spring Village Dr. on approx. 58.08 ac. of land zoned R-3.
Comp. Plan Rec: Residential 2-3 du/ac and Institutional. Tax Map.
90-1 ((01)) 63G. (Concurrent with SEA 96-L-034-04 and 2232-
L15-19.) LEE DISTRICT. PUBLIC HEARING.

SEA 96-L-034-04 – CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS/GREENSPRING VILLAGE INCORPORATED –
Appl. under Sects. 2-514, 3-304, 9-101 and 9-306 of the Zoning
Ordinance to amend SE 96-L-034 previously approved for housing
for elderly to permit a telecommunications facility monopole and
associated modifications to site design and development conditions.
Located at 7410 Spring Village Dr., Springfield, 22150 on approx.
58.08 ac. of land zoned R-3. Lee District. Tax Map 90-1 ((01)) 63G.
(Concurrent with PCA 96-L-005-04 and 2232-L15-19). LEE
DISTRICT. PUBLIC HEARING.

2232-L15-19 – CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS/GREENSPRING VILLAGE INCORPORATED –
Appl. under Sects. 15.2-2204 and 15.2-2232 of the Code of Virginia
to permit a telecommunications facility monopole. Located at 7410
Spring Village Dr., Springfield, 22150 on approx. 58.08 ac. of land
zoned R-3. Tax Map 90-1 ((01)) 63G. (Concurrent with PCA 96-L-
005-04 and SEA 96-L-034-04.) LEE DISTRICT. PUBLIC
HEARING.

Commissioner Frank W. Stearns, Donohue & Stearns, PLC, reaffirmed the affidavit dated April 12, 2017.

There were no disclosure from the Commission members.

Kelly Posusney, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file.

Commissioner Frank W. Stearns gave presentation wherein he noted the following:

- Met with Lee Land Use Committee on November 14, 2016 and March 6, 2017 and received endorsement on March 6, 2017;
- Did a balloon fly for the community with balloon at two heights, one at 150 feet (which is what was being requested) and also one at 165 feet. Took a number of shots and shared with the Lee Land Use Committee on March 6, 2017 meeting;
- Reviewed conditions of the special exception and accepted those conditions;
- The proffer was only signed by Greenspring Village, the property owner and had no objections to the proffers; and
- Had to send out more notices than usual (almost 200 notices), so the neighborhood was well blanketed with the knowledge of the facility. Received no objections from the community.

Commissioner Migliaccio said the development conditions discussed did not speak to the 150 feet height of the monopole and asked staff why this was not part of the development conditions or does the special exception application (SEA) plat cover it. Ms. Posusney stated it was referenced on the SEA plat but a condition can be placed in the development conditions, if the commission chooses. It would have to be in substantial conformance as the condition says and it is a height of 150 feet.

Commissioner Hurley asked if a generator housed the facility and if so, how loud the testing would be and its schedule. In response, Commissioner Stearns stated there was a generator but there was also a four-story parking garage structure and a parking garage in between it and housing. There was also a 19 foot retaining wall on the other side of it. He stated the noise levels of the generator were well below the standards in the Zoning Ordinance and testing was done a couple of times a month. All reasonable hours where the residents would not be disturbed.

Commissioner Migliaccio made a comment stating this was a second case in a row with no speakers on a cell tower the first one was a middle school and this one was a senior center.

Commissioner Migliaccio asked Mr. Stearns to confirm for the record, his agreement to the draft proffers dated March 1st, 2017 and the proposed development conditions dated April 12, 2017.

Commissioner Frank W. Stearns stated he can for the development conditions, however the draft proffers are applied to Greenspring Village Incorporated, the owner of the property and there is no representative for Greenspring at the hearing. They did however, sign the amended proffers.

Commissioner Migliaccio asked staff if we needed a representative from Greenspring. Kris Abrahamson, Branch Chief, with the Department of Planning and Zoning, Zoning Evaluation, stated that since proffers were voluntary from the applicant and they had already signed them, she didn't think they needed to reaffirm the way a development condition would impose.

Commissioner Migliaccio said he thought so and this was the first time he saw in the motions.

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(Start Verbatim Transcript)

Commissioner Migliaccio: As Mr. Stearns had indicated, this is wanted by the community. No speakers tonight. The Lee District Land Use Committee voted sixteen to nothing to support this. Therefore, Mr. Chairman, I'll go into my motions. I concur with staff's conclusion that the proposal by Cellco Partnership d/b/a Verizon Wireless Greenspring Village Incorporated, to construct a 150-foot tall monopole telecommunications facility at 7410 Spring Village Drive, in Springfield, Virginia satisfies the criteria of location, character and extent as specified in the Virginia Code Section 15.2-2232, as amended. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION 2232 L15-19 SUBSTANTIALLY IN ACCORD WITH THE PROVISION OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Is there a discussion? All those in favor of the motion to approve 2232-L15-19, say Aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Migliaccio.

Commissioner Migliaccio: Thank you Mr. Chairman. I further MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 96-L-005-04, SUBJECT TO THE PROFFERS DATED MARCH 1ST, 2017.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 96-L-005-04, say aye.

Commissioners: Aye.

Chairman Murphy: Thank you.

Commission Migliaccio: I have a few more.

Chairman Murphy: Motion passes.

Commission Migliaccio: Thank you. I further MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 96-L-034-04, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED APRIL 12TH, 2017.

Commissioner Hart: Second.

Chairman Murphy: Seconded Mr. Hart. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 96-L-034-04, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commission Migliaccio: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF TRANSITIONAL SCREENING REQUIREMENT FOR THE ADJACENT MULTI-FAMILY USE, IN FAVOR OF THE EXISTING 19-FOOT TALL RETAINING WALL AND VEGETATION ON-SITE, AS DEPICTED ON THE GDP SEA PLAT.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commission Migliaccio: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF – APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENT TO THE ADJACENT MULTI-FAMILY USE.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commission Migliaccio: Thank you Mr. Chairman that is it.

Chairman Murphy: Thank you very much. Thank you, staff. Thank you, Mr. Stearns.

The motion carried by a vote of 12-0.

(End Verbatim Transcript)

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RZ/FDP 2016-MA-026 STANLEY MARTIN COMPANIES, LLC –
Appls. to rezone from R-3 to PDH-16 and HC to permit residential
development and waiver of minimum district size with an overall
density of 13.9 dwelling units per acre (du/ac) and approval of the
conceptual and final development plan. Located on the E. side of
Powell Ln. approx. 100 ft. S. of its intersection with Columbia Pike
on approx. 15,483 sq. ft. of land. Comp. Plan Rec: Residential 16-
20 du/ac. Tax Map 61-4 ((4)) B2. (Concurrent with PCA/FDPA
2000-MA-055). MASON DISTRICT. PUBLIC HEARING.

PCA/FDPA 2000-MA-055 STANLEY MARTIN COMPANIES,
LLC – Appls. to amend the proffers, conceptual and final
development plans for RZ 2000-MA-055 previously approved for
residential single family attached dwellings to modify site and
development conditions and associated modifications to proffers
and site design at a density of 11.67 dwelling units per acre (du/ac).
Located in the S.E. quadrant of the intersection of Columbia Pike
and Powell Ln. on approx. 4.19 ac. of land zoned PDH-12 and HC.
Comp. Plan Rec: Residential 16-20 dc/ac. Tax Map 61-4 ((52)) 1-
45, 46A-49A and A1. (Concurrent with RZ/FDP 2016-MA-026).
LEE DISTRICT. PUBLIC HEARING.

Robert Brant, Walsh, Colucci, Lubeley & Walsh, reaffirmed the affidavit dated April 17th, 2017.

Chairman Murphy asked for disclosures from the Commission.

Commissioner Hart disclosed the law firm of Hart & Horan, P.C. currently has one case where the attorneys in Mr. Brant's firm representing an adverse party or adverse parties. He stated that matter and those parties are unrelated to the above referenced case. Commissioner Hart said the law firm of Hart & Horan, P.C. has no business or financial relationship and does not think this matter will affect his ability to participate in the case.

Heath Eddy, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file.

Commissioner Strandlie asked staff to go over the sidewalk issue that had not been resolved and the suggested corrections. Mr. Eddy showed on the overhead the connection of the sidewalk to be installed, as required. It is shown as targeted to be installed, but Virginia Department of

Transportation (VDOT) was adamant that it had to be installed because currently there was none. The property was currently a staging area. The applicant wanted to install the sidewalk but doing it at the moment would be not appropriate because of all the construction. The sidewalk would be installed to connect all the way down along Powell Lane. Mr. Eddy indicated this issue had been resolved. In regards to the green building standards, Commissioner Strandlie stated Stanley Martin had proffered to its own green building standards as opposed to adhering to the commonly recognized green building standards. Commissioner Strandlie also wanted a background on the transportation issues. Her concerns ranged from striping on the street, lack of parking, parking on both sides and other issues. Ms. Abrahamson gave a brief background on conversations with VDOT. She stated the applicant held meetings with VDOT. She said VDOT might consider doing some restrictions on the parking on at least one side; however, they had standards that allowed parking on a public street.

Commissioner Hart asked if Powell Lane is already a public street. Mr. Eddy indicated it was and they had to work with VDOT.

Robert Brant, Applicant's Agent, = Walsh, Colucci, Lubeley & Walsh, made a presentation wherein he gave a background on the property and stated the following:

- The property would have been rezoned with the remainder of section one back in 2003, had the owner at that time been willing to consolidate;
- Comprehensive Plan continues to recommend the consolidation of all the parcels. Several years ago, Stanley Martin (SM) purchased the parcel and incorporated it into Ambrose Hills;
- The proposal would allow the applicants to fully integrate this last parcel into the Ambrose Hills Community;
- Had support and favorable recommendation of the Mason District Land Use Committee. Presented to them twice. Once in February of 2017 and again in March of 2017;
- Had the support of The Bailey's Crossroads/Seven Corners Revitalization (BC7RC);
- Reached out to other communities and associations to include Lakeside Plaza which shares access to Powell Lane with the application property, located on the southern end of the cul-de-sac;
- Met with Lakeside Plaza representatives and they shared concerns with respect to improvement conditions on Powell Lane;
- Met with VDOT to suggest a number of proposed striping configurations for Powell Lane and proposed no parking zone;

- VDOT did not support any restriping of Powell Lane at this time. It's a residential street and they prefer it to remain that way as a means of keeping speeds down on a residential street;
- VDOT did not support Powell Lane being a no parking zone;
- Suggested to VDOT one side of Powell Lane could be a no parking zone to improve the flow of traffic and the egress of traffic out onto Columbia Pike. VDOT did seem open to the idea;
- Applicant willing to work with VDOT to mitigate the issues;
- Stanley Martin Green Building Program was proprietary to them and met or exceeded the requirements of Energy Star. The applicant successfully used it in Fairfax County to meet the county's green building policy, most recently in the Callaway Community located on Little River Turnpike; and
- Proffer language provided some flexibility to use alternative third party certification.

Commissioner Hart asked Mr. Brant in reference to the Stanley Martin's greenhouse certification why in-house was preferable versus third party certification. In response, Mr. Brant explained that the Stanley Martin's in-house program met or exceeded the requirements of other third-party certification such as Energy Star. He reiterated the company had success in constructing its homes in accordance with this program. Therefore, the applicant was requesting some flexibility to be able to further implement that program and continue its use. Commissioner Hart stated as he understood it, the County no longer recognized Energy Star an alternative. In response, Mr. Brant stated this was the reason the applicant was asking for the flexibility according to the language in Proffer 10. A discussion continued regarding in-house versus third party certification flexibility and Stanley Martin's commitment to do a third party certification. Mr. Brant stated the applicant can work on and satisfactorily address the comments and concerns in the proffer language, to ensure Stanley Martin was constructing the homes in accordance with a certification program that was supported and recognized by the County. Commissioner Migliaccio stated he did not care if the applicant received certification or not, and that the language should change to make it achievable to obtain certification. He said he didn't think the third-party certification was that important.

Janice Siegel, The Unit Owners Association of Lake Side Plaza Condominiums, 3800 Powell Lane, Falls Church, spoke against the project. Ms. Siegel stated following and addressed some concerns:

- Attended and spoke at the most recent BC7RC and the Mason District Land Use Committee meeting and enlightened them as to some of the issues. Both committees had a new found understanding of their street and the limitations and the need for consideration of the issues as well;

- Found extraordinarily difficult to believe that during the initial approval of this project no county staff/reports or VDOT included any warnings of the potential issues that would emerge once the original project became a reality. More detailed information was included in the legal submission the Commission received;
- None of the concerns that should be obvious to land use experts seemed to have been taken into account at that time;
- The approval of the additional 5 townhouses should be denied due to increased traffic congestion, the potential for serious accidents and a detriment to the safety of the community and ability to access their homes since they were the furthest back on the street with no other options to exit. A compromise had to be found in order to prevent accidents;
- Powell Lane was a very small street that formerly contained one driveway that provided all access in and out for Lakeside Plaza and one for the house that previously stood near Columbia Pike. The project added 3 additional driveways (only access to Ambrose Hills) without any lane marking guidance for drivers as to who had the right of way. Now a complicated street such as this required special attention but was not eligible for simple safety improvements such as line striping because it was "residential." Under these extraordinary circumstances, some accommodation had to be made;
- Parking on either side of 36-foot wide Power Lane was unconscionable with additional driveways and increased number of vehicles (approximately 1,100 vehicles). The association recommended the street become a permanent no parking zone. This would resolve several of the pending issues. As the Ambrose Hills townhouses were required to provide parking that included two-car garages and driveways, as well as visitor parking, no additional street parking was necessary. Therefore, Powell Lane would be able to accommodate 2 lanes out and 1 lane in which was necessary to keep traffic flowing on Columbia Pike, reduce street congestion and allow Lakeside residents and visitors a chance to actually exit and enter;
- The west corner of Columbia Pike and Powell Lane was so tight that vehicles had difficulty making a right turn without getting near the outgoing traffic waiting to turn left at the light.
- The driveway closest to the proposed additional townhouses (with up to 51 homes) was the most complicated one due to its proximity to Columbia Pike. When vehicles entered Powell Lane and attempted to access this driveway, they were forced to block the incoming lane until they were able to turn left into this driveway – this could back up traffic on Columbia Pike. Cars exiting from this driveway to turn left on Columbia Pike would be blocked and forced to cross traffic to get into the left lane. During high peak hours, this issue could cause serious delays and become very dangerous.
- Paving of a street that hadn't been repaved in 34 years and has endured all of the cutting and digging during construction had to be made once the construction has been completed.

Marty Bernstein, 3800 Powell Lane, Falls Church, spoke as a resident against the project. Mr. Bernstein gave a breakdown of the Ambrose Hills Development Project. He stated the following:

- Original plan consisted of 73 one and two-car garage townhouses in 3 sections:

Section 1 = 46 townhouses (closest to Columbia Pike) - under construction
Section 2 = 19 townhouses – completed
Section 3 = 8 townhouses – completed;
- Each townhouse section had one driveway entrance that was only accessible from Powell Lane - there were no other entrances/exits to the entire project;
- Additional traffic on Powell Lane caused by original development: 73 townhouses = at least 146 vehicles; with 44 visitor spaces throughout the project, there would be an increase of at least 190 vehicles on Powell Lane; and
- Stanley Martin applied for a rezoning permit to build 5 townhouses in Section 4 which is adjacent to Section 1 – it will share the same driveway as Section 1 which is only accessible from Powell Lane – this will add at least 10 more vehicles to the Powell Lane traffic count.

Mr. Bernstein then addressed the following concerns:

- Even though there was a new traffic light at the corner of Powell Lane and Columbia Pike, the community was still facing extreme traffic congestion with increased vehicles and four entrance driveways on the street – three on Ambrose Hills and one on Lakeside Plaza. With development on both sides of the street, there would be increased cross traffic trying to enter/exit from their driveways from the main intersection. Since the driveway to Section 1 and new Section 4 (with the largest number of townhouses) was very close to the corner of Powell Lane and Columbia Pike, there was a potential for additional congestion as vehicles exited their driveway and attempted to cross waiting traffic to make a left turn; this would also occur as vehicles enter Powell Lane from Columbia Pike and attempt to turn left into Section 1 and 4 against traffic waiting at the light;
- With these traffic scenarios in mind, the community had always advocated to eliminate all parking from Powell Lane to facilitate four lanes of traffic – 2 going out and 2 coming in. If parking was allowed on both sides of the street, this would be reduced to 1 lane in and 1 lane out. Since the Lakeside Plaza entrance was the furthest back on the street with the largest number of vehicles, this could be an extreme traffic hardship for the residents. The no parking need was communicated on several occasions to Supervisor Gross, her staff, VDOT and Stanley Martin. At the last joint meeting, everyone seemed to acknowledge the problem but were reluctant to designate the entire street as no parking. To date, there were permanent no parking signs on portions of the street near entrance driveways, at the corner of Columbia Pike and in the circle area closest to Lakeside Plaza. The community still needed to convince VDOT to make the entire street a no parking zone. As there nearly 200

additional parking spaces were planned on Ambrose Hills, this request was reasonable as traffic volume would increase;

- At the last meeting with Supervisor Gross, her staff, VDOT and SM, the community requested lane markings on the entire length of the street. SM informed the community they were only required to designate lanes at the corner for their new traffic light – with the potential traffic congestion, would like lane markings on the entire length of the street;
- SM continually dug and cut portions of Powell Lane; it was also abused by large, heavy construction vehicles. At the last joint County meeting, SM was asked to repave the entire street; they told the community they were only required to repave damaged portions of the street. Since the County informed the residents of Lakeside Plaza, Powell Lane would probably never get repaved as part of on-going VDOT maintenance, this may be their only chance to have the entire street repaved. This would also enhance the street appeal of both Ambrose Hills and Lakeside Plaza. Powell Lane had never been repaved in the 34 years of Lakeside Plaza's existence;
- At the community's request when Ambrose Hills was in the pre-construction phase, a portion of the corner at Powell Lane and Columbia Pike was cut and reformatted to allow narrower right turns from eastbound Columbia Pike. This helped to avoid a large turning radius that would interfere with traffic waiting to make a left at the light. Even though this change was made, the intersection was still angled which made it dangerous and confusing for pedestrians, as well as drivers watching out for pedestrians in the crosswalk. Lakeside Plaza would like SM, County officials and VDOT to reexamine and realign this intersection;
- Powell Lane was very dark at night – additional street lights were purchased by SM and would be installed/maintained by Dominion Virginia Power. The residents of Lakeside Plaza would like information regarding the estimated time of installation;
- Lakeside Plaza had been plagued/inconvenienced by construction for almost two years, and potentially another full year or more;
- There were many incidents of resident flat tires due to SM construction debris. When appealed to SM for restitution, they continually refused but they did have their contractors improve their clean-up efforts which reduced these types of incidents; and
- The school children were endangered during construction which necessitated discussions with the County School Board and a temporary relocation of the bus stop.

Chairman Murphy asked Mr. Bernstein if he spoke with VDOT regarding street conditions. In response, Mr. Bernstein said the community met with Supervisor Gross and with VDOT about one and a half years ago, discussed the traffic light and also expressed the concerns about the street. Chairman Murphy followed up by asking if the streets were being plowed. Mr. Bernstein stated they were not by VDOT but rather by the community's contractor. Both Chairman Murphy and Mr. Bernstein agreed that Powell Lane was a state road.

Mr. Brant presented a rebuttal testimony. He stated the residents of Ambrose Hills would share access with Lakeside Plaza and Stanley Martin would continue to assure Powell Lane functioned appropriately. Stanley Martin's ability to make any major changes to the road was limited due to the fact was managed by VDOT. VDOT assured the applicant it would continue to monitor Powell Lane and traffic flow.

Commissioner Flanagan stated that in a rezoning through Planned Development Housing (PDH), the normal backyard minimum would be 20 feet and asked to confirm Stanley Martin homes would be 12 feet. In response, Mr. Brant stated they would be and that in the PDH district there were no minimum yards. Commissioner Flanagan and Mr. Brant discussed a scenario of placing a deck in the back yard and the requirements and stipulations in the Zoning Ordinance.

Commissioner Strandlie thanked the speakers for coming out. She stated the speakers expressed their concerns to her, and the Land Use Committee did make a recommendation to approve before the staff report was made public. She stated, as a result, the process was delayed, had another hearing, another meeting with the Land Use Committee, and since then there had been a good collaboration on trying to work with VDOT. Commissioner Strandlie noted the Land Use Committee did not want to restrict parking on the street, which was consistent with VDOT. In addition, the striping would be a problem because the road was not wide enough.

There being no more speakers, Chairman Murphy called for closing remarks from Mr. Brant, who declined. There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Strandlie for action on this case.

(Start Verbatim Transcript)

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Commissioner Strandlie: Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION FOR RZ/FDP 2016-MA-026, CONCURRENT WITH PCA/FDPA 2000-MA-055 BY STANLEY MARTIN COMPANIES, LLC, TO A DATE CERTAIN OF MAY 4TH, 2017.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion defer the decision only on all these applications to a date certain of May 4th, 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 12-0.

(End Verbatim Transcript)

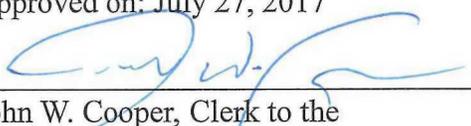
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The meeting was adjourned at 10:22 p.m.
Peter F. Murphy, Chairman
James R. Hart, Secretary

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: July 27, 2017



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