

**County of Fairfax, Virginia
Planning Commission Meeting
May 26, 2021
Verbatim Excerpt**

SE 2020-MA-011 – TERRY L. SLACK AND AMNUAY SLACK – Appl. under Sect. 9-610 of the Zoning Ordinance to permit a waiver of minimum lot size requirements from 80 ft. to 71.1 ft. Located at 6264 Lincolnia Rd., Alexandria, VA, 22312 on approx. 28,195 sq. ft. of land zoned R-3. Tax Map 72-2 ((1)) 50A and 72-2 ((6)) A2. (Mason District)

After Close of the Public Hearing

Commissioner Strandlie: Okay. Thank you, Chairman. This has been a long time coming for the applicant. They have been through this process for many many years. And I'm – I'm very happy that they've had two successful appearances and conversations with the Land Use Committee that supports this application as well. The one thing that I – I would like the applicant to do – I'm gonna go ahead and make a motion to approve to get this to the - to the Board. I would like the applicant to work with the staff to incorporate the drawings going forward as part of the application so you have something a little more definitive for the – exactly what the – the house will look like. The – the footprint is specified in the staff report and in the conditions. So, with that Mr. Chairman, I request that the applicant state on the record their acceptance of the proposed development conditions dated May 11th, 2021.

Christopher D. Neifert, Applicant's Agent, ATCS, P.L.C.: This is Chris Neifert for – with ATCS on behalf of the applicant. We are in agreement with the proposal – proposed development conditions dated May 11th, 2021.

Commissioner Strandlie: Great. Thank you. And Zach, is that something that incorporating the – the drawing – is that something that you feel comfortable with going forward?

Zachary Fountain, Zoning Evaluation Division, Department of Planning and Development: Yes. Commissioner Strandlie, we can get that done before the Board. Yes.

Commissioner Strandlie: Okay. Thank you. Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2020-MA-011, SUBJECT TO PROPOSED DEVELOPMENT CONDITIONS DATED MAY 11TH, 2021.

Commissioner Cortina: Second.

Commissioner Lagana: Second. Lagana.

Secretary Sargeant: Okay. All in favor of the motion, say aye.

Commissioners: Aye.

Secretary Sargeant: Any opposed? Hearing none, the motion passes.

Commissioner Strandlie: I FURTHER MOVE THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF PARAGRAPH 2

OF SECTION 17-0 – EXCUSE ME – 17-201 OF THE ZONING ORDINANCE TO WAIVE CONSTRUCTION OF A MAJOR PAVED TRAIL REQUIREMENT ALONG LINCOLNIA ROAD, IN FAVOR OF THE EXISTING SIDEWALK.

Commissioner Lagana: Second. Lagana.

Secretary Sargeant: All in favor of the motion, say aye.

Commissioners: Aye.

Secretary Sargeant: Any opposed? Hearing none, the motion passes.

Each motion carried by a vote of 11-0. Commissioner Murphy was absent from the meeting.

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PROPOSED DEVELOPMENT CONDITIONS**SE 2020-MA-011****May 11, 2021**

If it is the intent of the Board of Supervisors to approve SE 2020-MA-011, located at Tax Maps 72-2 ((1)) 50A and 72-2 ((6)) A2, to waive the minimum lot width requirement pursuant to Section 9-610 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception (SE) is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This SE is granted only for the purpose(s), structure(s), and/or use(s) indicated on the SE Plat, as qualified by these development conditions.
3. Any plan submitted pursuant to this SE must be in substantial conformance with the approved SE Plat entitled "Subdivision Plat Property Exhibit for Special Exception Application – Amnuay Slack" prepared by Jason Turner Kacamburas, P.E., dated April 16, 2021, consisting of 15 sheets, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.
4. Stormwater Management. Stormwater Management (SWM) and Best Management Practices (BMP) facilities in accordance with the Public Facilities Manual (PFM) and the Stormwater Ordinance must be provided in substantial conformance with that shown on the SE Plat, subject to review and approval by Land Development Services (LDS). Adjustments to the size, type, materials, and number of facilities following engineering may occur at the time of subdivision/site plan submission, subject to LDS approval, provided the adjustments substantially conform with the SE Plat.
5. Clearing and Grading. Limits of clearing and grading must be strictly adhered to as depicted on the SE Plat, subject to allowances as determined necessary by LDS.
6. Trail Easement. A 13-foot wide easement, located along the subject property's Lincolnia Road frontage, to accommodate the future construction of the major paved trail requirement must be recorded prior to the approval of the subdivision plan.
7. Lot 50A1. If the applicant or a future owner proposes to demolish the existing dwelling shown on Lot 50A1 in the future to allow construction of a new dwelling, the new dwelling must meet the setback requirements of the R-3 District and not negatively impact the delineated tree preservation areas or the supplemental landscaping depicted on the SE Plat. In addition, the new dwelling must meet the Green Building requirements listed in Condition 9, below.

8. Proposed Lot 50A2 – Building Footprint. Notwithstanding the footprint shown on proposed Lot 50A2 of the SE Plat, revisions to the footprint may be permitted at grading plan provided that maximum height, minimum setbacks, and overall size of the building footprint are maintained as shown on the SE Plat.
9. Green Building. In support of energy conservation and green building techniques, the applicant, in consultation with the Environment and Development Review Branch (EDRB) of Department of Planning and Development (DPD), must seek certification for this development from one of the following programs that offers third party review of “green building” or energy efficient measures. The Applicant may choose the program that will be utilized as indicated below:
 - A. Certification in accordance with the Earth Craft House Program as demonstrated through documentation provided to the Department of Public Works and Environmental Services (DPWES) and EDRB prior to the issuance of the Residential Use Permit (RUP) for each new dwelling; or
 - B. Certification in accordance with the National Green Building Standard (NGBS) using the ENERGY STAR® Qualified Homes path for energy performance, as demonstrated through documentation submitted to DPWES and EDRB from a home energy rater certified through Home Innovation Research Labs that demonstrates that the dwelling unit has attained the certification prior to the issuance of the RUP for each new dwelling.
 - C. The Applicant reserves the right to utilize an equivalent program in consultation with and approved by EDRB prior to the issuance of the first building permit for the unit. Certification in accordance with such equivalent program must be demonstrated through documentation provided to DPWES and EDRB prior to the issuance of the RUP for new each dwelling.
10. Tree Inventory and Condition Analysis. The Applicant must submit a Tree Inventory and Condition Analysis as part of the first and all subsequent plan submissions. The Tree Inventory and Condition Analysis must be prepared by a Certified Arborist or Registered Consulting Arborist and must include elements of PFM 12-0307 deemed appropriate to the project site as determined by Urban Forest Management Division (UFMD).
11. Tree Preservation Plan. The Applicant must submit a Tree Preservation Plan and Narrative as part of the first and all subsequent plan submissions. The Tree Preservation Plan and Narrative must be prepared by a Certified Arborist or Registered Consulting Arborist and must include elements of PFM 12-0309 deemed appropriate to the project site as determined by UFMD.
12. Project Arborist/Pre-construction Meeting. Prior to the pre-construction meeting the Applicant must have the approved limits of clearing and grading flagged with a continuous line of flagging. The Applicant must retain the services of a Certified Arborist or Registered Consulting Arborist (Project Arborist) to attend the pre-construction meeting to review the limits of clearing and grading with an UFMD

representative to determine where adjustments to the clearing limits can be made to increase the area of the tree preservation and/or to increase the survivability of trees at the limits of clearing and grading. Such adjustments must be recorded by the Project Arborist and tree protection fencing must be implemented under the Project Arborist's supervision based on these adjustments.

13. Tree Protection Fencing. The Applicant must provide appropriate tree protection devices, based on site conditions and proposed construction activities as reviewed and approved by UFMD. Tree protection fence must consist of four-foot high welded wire attached to six-foot steel posts driven 18 inches into the ground and space no further than 10 feet apart; or super silt fence.
14. Tree Preservation Measures. Tree preservation measures must be clearly identified, labeled, and detailed on the Erosion and Sediment Control Plan sheets and Tree Preservation Plan. Tree preservation measures may include, but are not limited to the following: root pruning, crown pruning, mulching, watering, bio-char soil application derived from wood, etc. Specifications must be provided on the plan detailing how preservation measures must be implemented. Tree preservation activities must be completed during implementation of Phase 1 of the Erosion and Sediment Control Plan.
15. Site Monitoring. The Applicant's Project Arborist must be present on-site during implementation of the Phase 1 Erosion and Sediment Control Plan and monitor any construction activities conducted within or adjacent to areas of trees to be preserved. Construction activities include, but may not be limited to clearing, root pruning, tree protection fence installation, vegetation/tree removal, and demolition activities. During implementation of Phase 2 Erosion and Sediment Control Plan, the Project Arborist must visit the site on a regular basis to continue monitoring tree preservation measures and ensure that all activities are conducted as identified in the Tree Preservation Plan and approved by UFMD. Written reports must be submitted to UFMD and Site Development and Inspections Division (SDID) site inspector detailing site visits. A monitoring schedule and Project Arborist reports must be described and detailed in the Tree Preservation Plan.
16. Invasive Plant Species Management. Areas containing plant species that are known to be invasive in quantities that threaten the long term health and survival of the existing vegetation present must be the subject of an invasive plant species management plan in order for the area to be awarded full 10-year canopy credit. At the time of site plan submission the applicant must provide a management plan for review and approval by UFMD specifying the common and scientific name of invasive species proposed for management, the target area for management efforts, methods of control and disposal of invasive plants, timing of treatments and monitoring, duration of the management program, and potential reforestation as needed.
17. Landscape Planting Pre-installation Meeting. Prior to installation of any plants to meet the requirements of the approved landscape planting plan, the contractor/developer must coordinate a pre-installation meeting on the site with the

landscape contractor, UFMD staff, and any additional appropriate parties. Any proposed changes to planting locations, tree/shrub planting sizes, and species substitutions shown on the approved plan must be reviewed and approved by UFMD staff prior to planting. The installation of plants not approved by UFMD may require the submission of a revision to the landscape plan or removal and replacement with approved trees/shrubs prior to bond release.

18. Soil Remediation. Soil in planting areas that contain construction debris and rubble, are compacted or are unsuitable for the establishment and long-term survival of landscape plants, must be the subject of remedial action to restore planting areas to satisfy cultural requirements of trees, shrubs and groundcovers specified in the landscape planting plan. The applicant must provide notes and details specifying how the soil will be restored for the establishment and long-term survival of landscape plants for review and approval by UFMD.
19. Landscape Planting Plan. As part of the first and all subsequent plan submissions, the Applicant must include a landscape planting plan and specifications for review and approval by UFMD. All landscaping must be installed prior to the issuance of the first RUP/Non-RUP on the property, or as determined by UFMD for a particular project, but no later than bond release. The landscape planting plan and specifications must incorporate sustainable landscape planting techniques designed to reduce maintenance requirements; and contribute to a cleaner and healthier environment with improved air quality, stormwater management, and resource conservation capabilities that can be provided by trees and other desirable vegetation.

Reduce turf areas to minimize mowing operations and the resulting air pollution. Turf must be no more than (75) percent of the pervious area of each of lot (site). Mulched planting beds incorporating groups of trees and other vegetation must be used to provide a root zone environment favorable tree trees and other vegetation.

- Plant trees in areas to contribute to energy conservation for buildings, as depicted in Plate 4-12 of the Public Facilities Manual.
- Provide a diverse selection of native and non-invasive plants to encourage native pollinators and reduce the need for supplemental watering, and the use of chemical fertilizers, herbicides and chemical control of harmful insects and disease.
- Sustainable landscape planting implemented with the subdivision/site plan should be made up of groups of trees including larger overstory trees (Category III and IV as listed in PFM Table 12.17) together smaller understory trees, (Category II) shrubs and groundcovers. In this application, it is acceptable for the 10-year projected canopies of overstory trees to overlap the canopies of understory trees as well as shrubs and groundcovers, as may occur in a multi-layer, wooded environment.

Inspection of mulch beds for conformance with the approved subdivision/site plan must be conducted at the time that the RUP/Non-RUP is issued for each building or phase of the plan. After mulch areas have been accepted, they must become the responsibility of the property owner who must not be precluded from managing or planting these areas according to their preference.

20. Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception will automatically expire, without notice, thirty (30) months after the date of approval unless the use (lot width waiver) has been established by the recordation of the County approved subdivision plat in the County land records, in conformance with this SE approval. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board. This approval, contingent on the above noted conditions, does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant is responsible for obtaining the required Residential Use Permit through established procedures, and this Special Exception is not valid until this has been accomplished. The approval of this Special Exception does not interfere with abrogate or amend any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.