



County of Fairfax, Virginia

November 17, 2014

**2014 Planning
Commission**

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Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Frank Stearns, Esquire
Donohue & Stearns, PLC
201 Liberty Street
Leesburg, Virginia 20175

**Re: RZ 2014-BR-009 – NCL XI, LLC
Braddock District**

Dear Mr. Stearns:

At its November 6, 2014 meeting, the Planning Commission voted 10-0 (Commissioners Hart and Lawrence were absent from the meeting) to **RECOMMEND APPROVAL** of the above referenced application to the Board of Supervisors. A copy of the verbatim transcript is attached.

This letter serves as a record of the Planning Commission's recommendation to the Board of Supervisors and not as the final approval. The application is still subject to the final decision by the Board of Supervisors.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits.

Sincerely,

Jill G. Cooper, AICP
Executive Director

cc: John Cook, Supervisor, Braddock District
Ellen Hurley, Planning Commissioner, Braddock District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
William O'Donnell, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
November 6, 2014 date file

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Planning Commission Meeting
November 6, 2014
Verbatim Excerpt

RZ/FDP 2014-BR-009 – NCL XI, LLC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Ms. Hurley.

Commissioner Hurley: Thank you Mr. Chairman. This case is an example of how the system can work, even when at first the challenges seem insurmountable. I must compliment first the current owners of the land whose family built the existing 1880s farmhouse. For decades, the family has provided a home for the historic Burke Post Office that the applicant is offering to move a second time to a new location. The farmland surrounding the house was developed decades ago and the neighbors of the – these few remaining acres include not only townhouses and houses, but also a Target store, an electrical substation, even a VRE station. I must next compliment the applicant on their willingness to work through all the community concerns. I am aware of ongoing discussions with the neighbors to the north regarding potential additional consolidation including, at a minimum, membership in a joint HOA. In a win for everyone, the applicant has agreed to enlarge its planned stormwater capacity to assist these neighbors to the north so that they can develop their property at some future date. In return, future Burke Junction residents of this property will access their property with a single access onto Zion Road that will align with Hilliard Lake Road, as stated in the Comprehensive Plan, and thus both meeting VDOT standards and promoting safer traffic for everyone who uses Zion. The applicant has worked very hard to address all staff and community concerns. The proposed development is at the low end of the density range allowed. In the last proffer change – the very last one – the pedestrian crossing was mentioned that their motion to install had been modified so that it will not flash all night long. Could be annoying. I have already mentioned the \$10,000 that the applicant has committed to moving the historic Burke Post Office a second time to a new location. In addition, the applicant will not only have the 125-year-old farmhouse documented prior to destruction, but also for a month prior to destruction, will grant access to representatives of the Burke Historic District to remove any and all desired fixtures from the house as well as vegetation from the grounds. The Braddock Land Use Committee approved this application unanimously. Their intensive involvement in the project has been especially noteworthy and I particularly commend the subcommittee members Terri Wambaugh, Jeanne Kadet, and Jill Hilliard. Their subcommittee report is so extensive, so well-researched, and so well-prepared that many localities across the nation might use this an example for staff reports. Last, and certainly not least, I commend the Fairfax County staff members who have scrutinized and reworked the eventual development of this parcel for years. Coordinated by Billy O'Donnell, we now have a package that, as I stated at the beginning, is an example of how the system can work, even when at first the challenges seemed insurmountable. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2014-BR-009, SUBJECT TO THE EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED 31 OCTOBER, 2014.

Commissioners Hedetniemi and Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Ms. Hedetniemi. 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 2014-BR-009, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: Second, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2014-BR-009, SUBJECT TO THE BOARD'S APPROVAL OF THE CONCURRENT REZONING APPLICATION.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to approve FDP 2014-BR-009, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE 600-FOOT MAXIMUM LENGTH FOR A PRIVATE STREET.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hurley: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE MINOR PAVED TRAIL REQUIREMENT IN FAVOR OF THE PROPOSED NETWORK ON THE CDP/FDP.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Hurley: and finally I –

Chairman Murphy: Motion carries.

Commissioner Hurley: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF DPWES TO PERMIT A DEVIATION FROM THE TREE PRESERVATION TARGET PERCENTAGE IN FAVOR OF THE PROPOSED LANDSCAPING SHOWN ON THE FDP/CDP, AS PROFFERED.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(Each motion carried by a vote of 10-0. Commissioners Hart and Lawrence were absent from the meeting.)

JN