



County of Fairfax, Virginia

June 15, 2015

**2015 Planning
Commission**

Peter F. Murphy
Chairman
Springfield District

Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Parliamentarian
At-Large

Lynne Strobel, Esquire
Walsh, Colucci, Lubeley, Emrich & Walsh, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

**Re: RZ 2014-LE-010/SEA 2005-LE-028/SEA 2005-LE-027-02 – PINEY RUN
ELM INVESTMENTS, LC
Lee District**

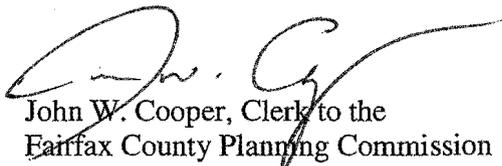
Dear Ms. Strobel:

At its June 11, 2015 meeting, the Planning Commission voted 9-0 (Commissioners de la Fe, Lawrence, and Sargeant were absent from the meeting) to **RECOMMEND APPROVAL** of the above referenced applications 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,



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

cc: Jeffrey McKay, Supervisor, Lee District
James Migliaccio, Planning Commissioner, Lee District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of
Supervisors, County Executive Office
Bob Katai, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
June 11, 2015 date file

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John Ulfelder
Dranesville District

Earl L. Flanagan
Mount Vernon District

Janyce N. Hedetniemi
At-Large

Ellen J. "Nell" Hurley
Braddock District

John L. Litzenberger
Sully District

Kenneth A. Lawrence
Providence District

James Migliaccio
Lee District

Timothy J. Sargeant
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Julie Strandlie
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Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission





Planning Commission Meeting
June 11, 2015
Verbatim Excerpt

RZ 2014-LE-010/SEA 2005-LE-028/SEA 2005-LE-027-02 – PINEY RUN ELM
INVESTMENTS, LC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. As we heard tonight, this application seeks to provide a 259-unit independent living community for residents over 55 years of age on the current site of the Hilltop Golf Course Driving Range. These 259 units will be a mixture of townhomes, detached single family homes, and multifamily dwellings, and will include 39 affordable dwelling units. As we heard tonight, we have one - we have an extensive proffer package. We will be working on the RPA Northern Virginia Conservation Trust fund proffer to get Plan B in place, just in case we need it. Just to recap a few other items in the proffer package, it includes funding for a trail along Telegraph Road from Hayfield Road to South Kings Highway, which is very much needed. It includes money for bus shelters along Telegraph Road and a substantial contribution to the Park Authority. As was noted earlier, the applicant has received a positive vote at the Lee District Land Use Advisory Committee. Our professional planning staff also recommends approval. Therefore, Mr. Chairman, I have a few motions to make this evening. First, Mr. Chairman, can I get -- Ms. Strobel, can you please come back up? Can you confirm on the record your agreement to the proposed development conditions dated June 11th, 2015, for SEA 2005-LE-028 and for SEA 2005-LE-027-02?

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Yes.

Commissioner Migliaccio: Thank you very much. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2014-LE-010, SUBJECT TO THE PROFFERS DATED JUNE 5TH, 2015.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there any discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2014-LE-010, say aye.

Commissioners: Aye.

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

Commissioner Migliaccio: Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS approval – APPROVAL OF THE MODIFICATIONS AND WAIVERS AS LISTED IN THE HANDOUT DATED JUNE 11TH, 2014 – 2014, THAT WAS PROVIDED TO YOU TONIGHT AND WHICH SHALL BE MADE A PART OF THE RECORD OF THIS CASE.

June 11, 2015

RZ 2014-LE-010/SEA 2005-LE-028/SEA 2005-LE-027-02

Commissioners Flanagan and Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Mr. Litzenberger. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 2005-LE-028, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: And also, Mr. Chairman, I'd like to get a REAFFIRMATION OF THE MODIFICATION OF THE MINIMUM AGE RESTRICTION FOR AN INDEPENDENT LIVING DEVELOPMENT FROM 62 TO 55 YEARS OF AGE FOR SE 2005-LE-028.

Commissioner Litzenberger: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 2005-LE-028, SUBJECT TO THE CONDITIONS DATED JUNE 11TH, 2015, AS REVISED AT THIS MEETING.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there any discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 2014-LE-027-02 [sic], subject to conditions dated June 11th, 2015, as listed in the staff report.

Cathy Lewis, Department of Planning and Zoning: Mr. Migliaccio, I think you mean "2005-LE-027-02." Sorry about that. Your motion is wrong. Sorry about that.

Commissioner Migliaccio: Okay, SEA 2005-LE-027-02, SUBJECT TO CONDITIONS DATED JUNE 11TH, 2015, AS LISTED IN THE STAFF REPORT.

Commissioner Litzenberger: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE WATER QUALITY IMPACT ASSESSMENT REQUEST NUMBER 7239-WQ-002-1 AND RESOURCE PROTECTION AREA ENCROACHMENT EXCEPTION REQUEST NUMBER 7239-WRPA-004-1, subject to the – SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONTAINED IN EXHIBIT A OF APPENDIX 15 OF THE STAFF REPORT.

Commissioner Litzenberger: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(Each motion carried by a vote of 9-0. Commissioners de la Fe, Lawrence, and Sargeant were absent from the meeting.)

JN

**Proposed Development Conditions
As Recommended for Approval by the Planning Commission on
June 11, 2015**

SEA 2005-LE-028

Piney Run Elm Investments LC

June 11, 2015

If it is the intent of the Board of Supervisors to approve Special Exception Amendment SEA 2005-LE-028 located at 7906,7908, 7912, and 7836 Telegraph Road [Tax Map No. 100-1 ((1)) 9B pt., 19, 20, 23A, 24, and 25] for an independent living residential development under Sect. 3-104 and a waiver of minimum lot size requirements pursuant to Sect. 9-501 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions. Those conditions carried forward from the previous approval are marked with an asterisk (*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.*
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Generalized Development Plan/Special Exception Plat entitled Elm Street Development Piney Run, prepared by Dewberry Consultants, LLC and dated March 5, 2014 as revised through May 15, 2015, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Sidewalks lining the private streets that terminate at the open space shall be extended as trails that connect to the trail system proposed within the open space unless such extensions cannot be accommodated due to abrupt changes in grade between the streets and the open space.
5. All on-street parking spaces shall comply with minimum Public Facility Manual (PFM) dimensions. Compliance with this provision shall be verified at site plan review.
6. The minimum dimensions of all individual garage and front load driveway

parking spaces shall comply with the minimum dimensions contained in Table 7.7 of Sect. 7-0802.2 Universal Size Car Spaces of the PFM for a 90-degree angle, head-in parking space. Compliance with this provision shall be verified at site plan and/or building permit review.

7. The existing pedestrian bridge over Tributary A that is to be retained shall be repaired to provide a safe walking environment to the satisfaction of DPWES prior to the issuance of the first Residential Use Permit (RUP).
8. The site plan(s) for the independent living development shall comply with the conditions of approval of Water Quality Impact Assessment Request #7239-WQ-002-1 and Resource Protection Area Encroachment Exception Request #7239-WRPA-004-1.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. 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.