



# County of Fairfax, Virginia

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Department of Planning & Zoning

JUN 25 2015

Zoning Evaluation Division

June 23, 2015

**2015 Planning  
Commission**

**Peter F. Murphy**  
Chairman  
*Springfield District*

**Frank de la Fe**  
Vice Chairman  
*Hunter Mill District*

**James R. Hart**  
Secretary  
*At-Large*

**Timothy J. Sargeant**  
Parliamentarian  
*At-Large*

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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. Litzenger**  
*Sully District*

**Kenneth A. Lawrence**  
*Providence District*

**James Migliaccio**  
*Lee District*

**Julie Strandlie**  
*Mason District*

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**Jill G. Cooper**  
*Executive Director*

**Kimberly A. Bassarab**  
*Assistant Director*

**John W. Cooper**  
*Clerk to the Commission*

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

**Re: RZ 2014-SP-015/SE 2014-SP-060 – SUNRISE DEVELOPMENT, INC.  
Springfield District**

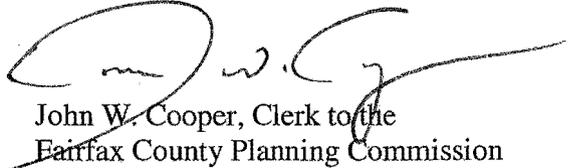
Dear Ms. Mariska:

At its June 18, 2015 meeting, the Planning Commission voted 9-0-1 (Commissioner Sargeant abstained from the vote; Commissioners Lawrence and Migliaccio 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 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 obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,



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

Attachments (a/s)

cc: Pat Herrity, Supervisor, Springfield District  
Peter Murphy, Planning Commissioner, Springfield District  
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of  
Supervisors, County Executive Office  
Mary Ann Tsai, Staff Coordinator, ZED, DPZ  
Robert Harrison, ZED, DPZ  
June 18, 2015 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.

Fairfax County Planning Commission  
12000 Government Center Parkway, Suite 330, Fairfax, VA 22035  
703-324-2865 (Voice) 703-324-7951 (TTY) 703-324-3948 (Fax)  
[www.fairfaxcounty.gov/planning](http://www.fairfaxcounty.gov/planning)



RZ 2014-SP/015-SE 2014-SP-060 – SUNRISE DEVELOPMENT, INC.

Decision Only During Commission Matters  
(Public Hearing held on May 13, 2015)

Commissioner Murphy: Thank you, Mr. Chairman. This is a decision only on a special exception and a rezoning application regarding the preservation of the Silas Burke iconic home in Burke, Virginia. And if this were a perfect world, I think everybody would agree that we want to do everything we can to preserve this house on land that is unencumbered; however, as we all know, it is not a perfect world and the owners of the home, the Neals, have owned the home for many years. They have done a remarkable job in preserving it in a great state, but it does need some rehabilitation; and they have decided to change their lifestyle and wanted to sell the home, but making sure that it was preserved. And unfortunately, although we tried – and Supervisor Herrity did everything he could to get funds from the Park Authority and other interests in the county – he was unable to do so. And the only way to actually preserve this home as an iconic historic site in the Springfield District and in Fairfax county was to link it with a rezoning application. And in this case, it turned out to be not only a rezoning application, but a special exception, and the applicant is Sunrise Assisted Living. Because of that, we needed to first do a Plan amendment, and the Plan amendment was authorized by the Board of Supervisors. It went before the Planning Commission public hearing after several community meetings and it was adopted unanimously by the Board of Supervisors after a unanimous recommendation by the Planning Commission. Then we had a public hearing on the rezoning and special exception and, at that time, my fellow commissioners were kind enough to ask a lot of very pointed questions. And as a result of those questions – and no answers were available at the time – I deferred decision until this evening and I asked the staff, who was Leanna Tsai [*sic*], who did a remarkable – Mary Ann Tsai, I'm sorry, and Leanna O'Donnell is here too – to refer the questions for response to Linda Blank, who has been following this – these applications right from the beginning; and she is in charge of historic preservation in the county. As a result of the questions and – that came from the citizens and from the Commission and from me, we came up with a new set of proffers for the rezoning application and they were circulated to the members of the Commission on June 10<sup>th</sup>, 2015. And it is a really extensive package that dealt with landscaping and screening, paving materials, historic preservation, easements, community access, and the Burke Post Office, which came as an addendum to the site. When the – when the post office was moved into the Braddock District and there was a rezoning in the Braddock District, they no longer wanted the post office on their property, so it will be moved to the Silas Burke property and it will be part of the Silas Burke House preservation. I want to thank everyone that took part in this exercise, especially Mary Ann Tsai and Ms. Blank, because they really put this all together. It may not be a perfect solution, but it's as perfect as we can get it, which guarantees that this home will remain in Burke as a historic, iconic site; and it will be open to the public, and it will be controlled by Sunrise Development. And I want to thank Sunrise; they were very cooperative in this – all the suggestions made by staff, they turned into the proffers which are before us this evening and which will be part of the motion I will make. I also want to thank, as always, Marlae Schnare from Supervisor Herrity's office, who assists me in all these endeavors, including taking part in the public hearings [*sic*] – the community meetings we had in Burke [*sic*] – in the Springfield office, I should say. I'm sorry. The rezoning is in conformance with the Comprehensive Plan and meets all the standards of this kind of rezoning and the Zoning Ordinance also – meets all the

criteria established in the Zoning Ordinance. So, Therefore, Mr. Chairman, first I'd like to have the applicant please, come forward.

Sara Mariska, Esquire, Applicant's Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Good evening. I'm Sara Mariska with Walsh, Colucci, here on behalf of the applicant.

Commissioner Murphy: Yes, would you please confirm that you have read the development conditions in the special exception and that you understand them and agree and will abide by them?

Ms. Mariska: We understand and agree and will abide by the conditions.

Commissioner Murphy: Thank you very much. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION recommend to the Board of Supervisors the following: I RECOMMEND THAT THE BOARD APPROVE RZ 2014-SP-015 AND THE GENERALIZED DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF THE PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED JUNE 8<sup>TH</sup>, 2015.

Commissioners Hart and Hurley: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart and Ms. Hurley. Any discussion? Any questions? Yes, Ms. Hurley.

Commissioner Hurley: I intend to second all of these motions, especially noting as the Chairman mentioned, the relocation of the post office from our part which, I understand, the last Postmaster, who actually worked out of that building, was the great aunt of the current residents – current owners – of the facility. So it's a very small county.

Commissioner Murphy: Okay.

Vice Chairman de la Fe: Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. Is my new mic working? I guess it is. I did ask a number of questions, specifically on the easements and historic preservation questions for the house, and I heartily support the revised proffers. I think they go a long way to helping give a greater focus to how we're going to proceed to do that with the Silas Burke House and with the post office at this site and protect them and, at the same time, get into a good discussion about an appropriate reuse of the facility for the community in Burke and for the Fairfax community at large. So I intend to support these and I really appreciate the work and the time that went into helping revise these proffers.

Vice Chairman de la Fe: Okay, thank you. anything else? Hearing and seeing none all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Commissioner Sargeant: Mr. Chairman? Abstain; not present for the hearing.

Vice Chairman de la Fe: Yes, Mr. Sargeant abstains, and I assume he will abstain for all of them.

Commissioner Murphy: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2014-SP-060, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED APRIL 29<sup>TH</sup>, 2015.

Commissioners Hurley and Hart: Second.

Vice Chairman de la Fe: Seconded by Ms. Hurley and Mr. Hart. All those in favor – Any further discussion? Hearing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Commissioner Murphy: Mr. Chairman, I also move the next three items: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE:

- A MODIFICATION OF PARAGRAPH 5 OF SECTION 9-308 OF THE ZONING ORDINANCE TO PERMIT A MEDICAL CARE FACILITY TO BE LOCATED 28 FEET FROM THE NORTHERN PROPERTY LINE AND 75 FEET FROM THE EASTERN PROPERTY LINE, IN LIEU OF THE REQUIRED 100-FOOT SETBACK;
- A MODIFICATION OF PARAGRAPH 6 OF SECTION 9-308 OF THE ZONING ORDINANCE TO PERMIT A MEDICAL CARE FACILITY TO BE LOCATED ON A LOT CONTAINING 4.96 ACRES OF LAND, IN LIEU OF THE REQUIRED 5 ACRES; and approval of
- A MODIFICATION OF SECTIONS 13-303 AND 13-304 OF THE ZONING ORDINANCE ON THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG ALL BOUNDARIES OF THE PROPERTY TO show – THAT SHOWN ON THE GENERALIZED DEVELOPMENT PLAN/SPECIAL EXCEPTION PLAT.

Commissioners Hart and Hurley: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart and Ms. Hurley. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

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(Each motion carried by a vote of 9-0-1. Commissioner Sargeant abstained from the vote.  
Commissioners Lawrence and Migliaccio were absent from the meeting.)

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# County of Fairfax, Virginia

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RECEIVED  
Department of Planning & Zoning

MAY 22 2015

Zoning Evaluation Division

May 20, 2015

2015 Planning  
Commission

Peter F. Murphy  
Chairman  
Springfield District

Frank de la Fe  
Vice Chairman  
Hunter Mill District

James R. Hart  
Secretary  
At-Large

Timothy J. Sargeant  
Parliamentarian  
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Clerk to the Commission

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

Re: **RZ 2014-SP-015/SE 2014-SP-060 – SUNRISE DEVELOPMENT, INC.**  
**Springfield District**

Dear Ms. Mariska:

At its May 13, 2015 meeting, the Planning Commission voted 9-0 (Commissioner Hedetniemi was not present for the vote; Commissioners Lawrence and Sargeant were absent from the meeting) to **DEFER THE DECISION ONLY** on the above-referenced application to a date certain of June 18, 2015. A copy of the verbatim transcript is attached.

Sincerely,

Jill G. Cooper, AICP  
Executive Director

cc: Pat Herrity, Supervisor, Springfield District  
Peter Murphy, Planning Commissioner, Springfield District  
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office  
Mary Ann Tsai, Staff Coordinator, ZED, DPZ  
Robert Harrison, ZED, DPZ  
May 13, 2015 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.



Planning Commission Meeting  
May 13, 2015  
Verbatim Excerpt

RZ 2014-SP-015/SE 2014-SP-060 – SUNRISE DEVELOPMENT, INC.

After Close of the Public Hearing

Vice Chairman de la Fe: Public hearing is closed; Mr. Murphy.

Commissioner Murphy: Thank you very much, Mr. Chairman. Jill, if you could, check the calendar. The date I'm looking at is June 11<sup>th</sup>, Thursday. Do we have a meeting, so that – okay. Thank – I want to thank everybody for coming out. I want to thank the applicant. They were very cooperative and we – it's a tough one. I understand it's tough. Everybody said we want to keep the house, we don't want development. And you know, it's a tough one, but on the other hand, this is the only way we can save the house. And I appreciate the staff. Mary Ann Tsai just did a phenomenal job and we really appreciate it. You – you really went over the top on this one and I – I personally thank you for that. And I want to thank Marlae Schnare, who's not here but is Supervisor Herrity's land use person who weathers the storm on a day-to-day basis while I'm at my regular job trying to earn some money. And I want to thank Linda and – and – yes?

William Mayland, Zoning Evaluation Division, Department of Planning and Zoning: Just real quick, June 11<sup>th</sup> there's actually an ARB meeting – Architectural Review Board, so she would not be able to be here on the 11<sup>th</sup>, if you want her presence at the meeting –

Commissioner Murphy: She was the main contributor to this.

Mr. Mayland: So June 10<sup>th</sup>, if we have Planning Commission –

Commissioner Murphy: Hold on a minute. I have two cases that night. All right, the 18<sup>th</sup>. I have to push it up another week. And Ms. O'Donnell thanks a lot for your help and Bill Mayland. So I would move, Mr. Chairman, I THAT THE PLANNING COMMISSION defer decision only on RZ 2014-SP-015 and SE 2014-SP-060 to a date certain of June 18<sup>th</sup> with the record remaining open for comment.

Commissioner Hart: Second.

Commissioner Murphy – especially Ms. Blank's.

Vice Chairman de la Fe: Seconded by Mr. Hart. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

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Planning Commission Meeting  
May 13, 2015  
RZ 2014-SP-015/SE 2014-SP-060

Page 2

(The motion carried by a vote of 9-0. Commissioner Hedetniemi was not present for the vote; Commissioners Lawrence and Sargeant were absent from the meeting.)

JN



# County of Fairfax, Virginia

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May 1, 2015

**2015 Planning  
Commission**

**Peter F. Murphy**  
Chairman  
*Springfield District*

**Frank de la Fe**  
Vice Chairman  
*Hunter Mill District*

**James R. Hart**  
Secretary  
*At-Large*

**Timothy J. Sargeant**  
Parliamentarian  
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**Kimberly A. Bassarab**  
*Assistant Director*

**John W. Cooper**  
*Clerk to the Commission*

Sara Mariska  
Walsh, Colucci, Lubeley, Emrich & Walsh, PC  
2200 Clarendon Boulevard, Suite 1300  
Arlington, VA 22201

**Re: RZ 2014-SP-015/SE 2014-SP-060 – SUNRISE DEVELOPMENT, INC.  
Springfield District**

Dear Ms. Mariska:

At its April 30, 2015 meeting, the Planning Commission voted 10-0 (Commissioners Lawrence and Sargeant were absent from the meeting.) to **DEFER THE PUBLIC HEARING** for the above-referenced applications to a date certain of May 13, 2015. A copy of the verbatim transcript is attached.

Sincerely,

Jill G. Cooper, AICP  
Executive Director

cc: Pat Herrity, Supervisor, Springfield District  
Peter Murphy, Planning Commissioner, Springfield District  
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office  
Mary Ann Tsai, Staff Coordinator, ZED, DPZ  
Robert Harrison, ZED, DPZ  
April 30, 2015 date file

 To request special accommodations, call the Planning Commission office at 703-324-2865, TTY 703-324-7951. Please allow seven working days to make the appropriate arrangements.



Planning Commission Meeting  
April 30, 2015  
Verbatim Excerpt

RZ 2014-SP-015/SE 2014-SP-060 – SUNRISE DEVELOPMENT, INC.

During Commission Matters

Chairman Murphy: Scheduled for public hearing this evening in the Springfield District are two applications, which will be heard eventually concurrently – a Rezoning and a Special Exception. The applicant is Sunrise Development, which – of course – is tied into the application with the Silas Burke House. And I WOULD MOVE THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON RZ 2014-SP-015 AND SE 2014-SP-060 TO A DATE CERTAIN OF MAY 13<sup>TH</sup>.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

JLC