



County of Fairfax, Virginia

June 26, 2015

RECEIVED
Department of Planning & Zoning

JUN 29 2015

Zoning Evaluation Division

**2015 Planning
Commission**

Peter F. Murphy
Chairman
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Frank de la Fe
Vice Chairman
Hunter Mill District

James R. Hart
Secretary
At-Large

Timothy J. Sargeant
Parliamentarian
At-Large

John Ulfelder
Dranesville District

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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

Julie Strandlie
Mason District

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Scott E. Adams
McGuire Woods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

**Re: RZ 2014-PR-018 EVERGREENE COMPANIES, LLS
Providence District**

Dear Mr. Adams:

At its June 25, 2015 meeting, the Planning Commission voted 7-0-2 (Commissioners Litzenberger and Strandlie abstained. Commissioners Flanagan, Lawrence, and Sargeant 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,

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

cc: Linda Q. Smyth, Supervisor, Providence District
Kenneth Lawrence, Planning Commissioner, Providence District
James R. Hart, Planning Commissioner, At-Large
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of
Supervisors, County Executive Office
Suzanne Wright, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
June 25, 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.



RZ 2014-PR-018- THE EVERGREENE COMPANIES, LLC (Providence)

Decision Only During Commission Matters
(Public Hearing held on April 16, 2015)

Commissioner Hart: Thank you, Mr. Chairman. On the Evergreene case – on April 16th the Commission held a public hearing on the Evergreene Company's request to rezone 1.2 acres in the Providence District. We deferred decision twice in order to work on a number of issues raised by the neighbors, the commission, and the supervisor's office - including the intensity, parking, stormwater, landscaping and noise. I first want to thank Suzanne Wright and Cathy Lewis, as well as Mike Wing in Supervisors Smyth's office, for their fine work on this case and their insistence and guidance with the resolution of citizen concerns. Especially, as I'm still pitch-hitting for Commissioner Lawrence on the Providence cases. I also want to thank the speakers who spoke or submitted written comments and I believe their participation in the process has resulted in an approved application. I also want to thank Mr. Adams and the applicant for listening to all the communities' feedback and continuing to work with staff towards a resolution of the neighbor's concerns. Infill cases can be difficult, sometimes the smaller cases are the most difficult. The geometry of this site is particularly challenging. The lot is long and shallow but the vehicular access has to come from the short end rather than having the driveways directly connect to Route 123. The site backs up to a Verizon facility and has a large gas meter at one end. The use will be heavily impacted by a noisy arterially roadway. As the commission may remember, the site has been the subject of previous unsuccessful applications both for residential use and for a child care operation. This time around the applicant originally sought approval for four lots. But after the public hearing, revised the application to show only three lots and made other revisions to the proffers including relocation of the access point from the service drive, enlargement of the driveways, and a commitment that the sound walls or acoustical fencing will not be cinderblock or plastic faux bricks. With three lots we are now at a density of 2.33 units per acre, below the plan range of three to four dwellings per acre, but a density that is more workable on a very problematic site. Not every leftover infill site is going to achieve the density levels theoretically possible under the Comprehensive Plan. Staff has recommended approval, both in the addendum and the original staff report. I concur with staff's recommendation and adopt its rationale. I believe the three lot layout is a significant improvement from where we started and that the case is now ready to move forward. Therefore, Mr. Chairman, I FIRST MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY APPROVE RZ 2014-PR-018 SUBJECT TO PROFFERS CONSISTENT WITH THOSE NOW DATED MAY 28, 2015.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. 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-PR-018 say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: Uh, Mr. Chairman? I abstain.

Chairman Murphy: Oh, Mr. Litzenberger abstains.

Commissioner Strandlie: I - Mr. Chairman.

Chairman Murphy: On the last item also.

Commissioner Strandlie: I need to abstain too, I was not here for the hearing.

Chairman Murphy: All right, thank you.

Commissioner Hart: Secondly, Mr. Chairman, I MOVE THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF DPWES TO APPROVE A DEVIATION OF THE TREE PRESERVATION REQUIREMENTS IN FAVOR OF WHAT IS SHOWN ON THE GDP.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, same abstentions.

//

(The motion carried by a vote of 7-0-2. Commissioners Litzenberger and Strandlie abstained. Commissioners Flanagan, Lawrence, and Sargeant were absent from the meeting.)

TMW



County of Fairfax, Virginia

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

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

Julie Strandlie
Mason District

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

May 21, 2015

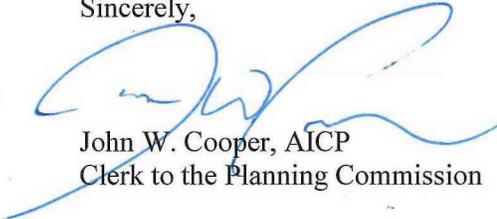
Scott Adams
McGuireWoods, LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

**Re: RZ 2014-PR-018 – THE EVERGREEN COMPANIES, LLC
Providence District**

Dear Mr. Adams:

At its May 20, 2015 meeting, the Planning Commission voted 10-0 (Commissioners Lawrence and Sargeant were absent from the meeting) to **DEFER THE DECISION ONLY** for the above-referenced application to a date certain of June 25, 2015. A copy of the verbatim transcript is attached.

Sincerely,



John W. Cooper, AICP
Clerk to the Planning Commission

cc: Linda Smyth, Supervisor, Providence District
Ken Lawrence, Planning Commissioner, Providence District
James Hart, Planning Commissioner, At-Large
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Suzanne Wright, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
May 20, 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 20, 2015
Verbatim Excerpt

RZ 2014-PR-018 – THE EVERGREEN COMPANIES, LLC

During Commission Matters

Commissioner Hart: Next, Mr. Chairman, on the Evergreen case FOR RZ 2014-PR-018 – IN THE NAME OF EVERGREEN COMPANIES, LLC – I MOVE THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY TO A DATE CERTAIN OF JUNE 25, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Migliaccio: Second.

Commissioner Hart: Seconded by Mr. Migliaccio. Is there a discussion? All those in favor of the motion to continue the deferral [sic] only with the record remaining open on RZ 2014-PR-018 to a date certain of June 25th, 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



County of Fairfax, Virginia

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

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

Julie Strandlie
Mason District

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

May 1, 2015

Scott Adams
McGuireWoods, LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

**Re: RZ 2014-PR-018 – THE EVERGREEN COMPANIES, LLC
Providence District**

Dear Mr. Adams:

At its April 30, 2015 meeting, the Planning Commission voted 10-0 (Commissioners Lawrence and Sargeant were absent from the meeting) to **FURTHER DEFER THE DECISION ONLY** for the above-referenced application to a date certain of May 20, 2015. A copy of the verbatim transcript is attached.

Sincerely,

Jill G. Cooper, AICP
Executive Director

cc: Linda Smyth, Supervisor, Providence District
Ken Lawrence, Planning Commissioner, Providence District
James Hart, Planning Commissioner, At-Large District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Suzanne Wright, 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-PR-018 – THE EVERGREEN COMPANIES, LLC

During Commission Matters

Commissioner Hart: Thank you, Mr. Chairman. On the Evergreen case, we were scheduled tonight for a decision only. We're not quite ready. Therefore, Mr. Chairman, I MOVE THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ 2014-PR-018 TO A DATE CERTAIN OF MAY 20, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioners Migliaccio and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Mr. Ulfelder. Is there a discussion of the motion? All those in favor of the motion to defer decision only again on RZ 2014-PR-018, with the remaining open for comment, 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



County of Fairfax, Virginia

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Department of Planning & Zoning

APR 29 2015

Zoning Evaluation Division

April 24, 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

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

Julie Strandlie
Mason District

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Scott Adams, Esquire
McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, Virginia 22102

**Re: RZ 2014-PR-018 – THE EVERGREEN COMPANIES, LLC
Providence District**

Dear Mr. Adams:

At its April 22, 2015 meeting, the Planning Commission voted 7-0-1 (Commissioner Strandlie abstained from the vote; Commissioners Flanagan, Lawrence, Migliaccio, and Sargeant were absent from the meeting) to **DEFER THE DECISION ONLY** on the above-referenced application to a date certain of April 30, 2015. A copy of the verbatim transcript is attached.

Sincerely,

Jill G. Cooper, AICP
Executive Director

cc: Linda Smyth, Supervisor, Providence District
Kenneth Lawrence, Planning Commissioner, Providence District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Suzanne Wright, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
April 22, 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 22, 2015
Verbatim Excerpt

RZ 2014-PR-018 – THE EVERGREEN COMPANIES, LLC

Decision Only During Commission Matters
(Public Hearing held on April 16, 2015)

Commissioner Hart: Mr. Chairman, last week we held a public hearing on a rezoning application in the Providence District and deferred decision until tonight. We're still reviewing the unresolved issues between the applicant and the community. We are making progress but need some additional time; therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY FOR RZ 2014-PR-018, TO A DATE CERTAIN OF APRIL 30, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of that motion? All those in favor of the motion to defer the decision only on this application with the record remaining open for, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Strandlie: Mr. Chairman, I was not here for the hearing so I'll abstain.

Chairman Murphy: Okay. Abstain, Ms. Strandlie.

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(The motion carried by a vote of 7-0-1. Commissioner Strandlie abstained from the vote. Commissioners Flanagan, Lawrence, Migliaccio, and Sargeant were absent from the meeting.)

JN



County of Fairfax, Virginia

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

John Ulfelder
Dranesville District

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Braddock District

John L. Litzenberger
Sully District

Kenneth A. Lawrence
Providence District

James Migliaccio
Lee District

Julie Strandlie
Mason District

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

April 17, 2015

Scott Adams
McGuireWoods, LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

**Re: RZ 2014-PR-018 – THE EVERGREEN COMPANIES, LLC
Providence District**

Dear Mr. Adams:

At its April 16, 2015 meeting, the Planning Commission voted 7-0 (Commissioners Lawrence, Litzenberger, Sargeant, and Strandlie were absent from the meeting. Commissioner de la Fe was not present for the vote.) to **DEFER THE DECISION ONLY** for the above-referenced application to a date certain of April 22, 2015. A copy of the verbatim transcript is attached.

Sincerely,

Jill G. Cooper, AICP
Executive Director

cc: Linda Smyth, Supervisor, Providence District
Ken Lawrence, Planning Commissioner, Providence District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Suzanne Wright, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
April 16, 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 16, 2015
Verbatim Excerpt

RZ 2014-PR-018 – THE EVERGREEN COMPANIES, LLC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed – Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I think we need a little more time to look at a couple issues based on the testimony this evening and some of the questions. And therefore – let me thank, also, the speakers for coming out and also to staff for getting me up to speed so quickly. I think with a little more time, we can sort out some of these details. I THEREFORE MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ 2014-PR-018 TO A DATE CERTAIN OF APRIL 22, 2015, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioners Flanagan and Ulfelder: Second.

Chairman Murphy: Seconded by Mr. Ulfelder and Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to defer decision RZ 2014-PR-018 to a date certain of April 22nd, with the record remaining open for comment, say aye.

Commissioners: Aye.

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

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(The motion carried by a vote of 7-0. Commissioners Lawrence, Litzenberger, Sargeant, and Strandlie were absent from the meeting. Commissioner de la Fe was not present for the vote.)

JLC



County of Fairfax, Virginia

March 27, 2015

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Department of Planning & Zoning

MAR 31 2015

Zoning Evaluation Division

**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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Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Scott Adams
1750 Tysons Boulevard
Suite 1800
McLean VA 22102

Re: **RZ 2014-PR-018 – THE EVERGREENE COMPANIES, LLC.**
Providence District

Dear Mr. Adams:

At its March 25, 2015 meeting, the Planning Commission voted 10-0 (Commissioners de la Fe and Sargeant were absent from the meeting) to **DEFER THE PUBLIC HEARING** on the above referenced application to a date certain of April 16, 2015. A copy of the verbatim transcript is attached.

Sincerely,

Jill G. Cooper, AICP
Executive Director

Attachments (a/s)

cc: Linda Smyth, Supervisor, Providence District
Kenneth Lawrence, Planning Commissioner, Providence District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Suzanne Wright, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
March 25, 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
March 25, 2015
Verbatim Excerpt

RZ 2014-PR-018 – THE EVERGREENE COMPANIES, LLC

During Commission Matters

Commissioner Lawrence: I have two deferrals to move this evening: RZ 2014-PR-018, IN THE NAME OF THE EVERGREENE COMPANIES, LLC – THE PUBLIC HEARING IS TO BE DEFERRED TO APRIL 16TH, 2015.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there any discussion? All those in favor of the motion to defer the application to a date certain of April 16th, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

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

JN