



County of Fairfax, Virginia

March 17, 2016

**2016 Planning
Commission**

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Vice Chairman
Hunter Mill District

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Executive Director

**Kimberly A.
Bassarab**
Assistant Director

John W. Cooper
*Clerk to the
Commission*

Lynne Strobel, Esquire
Walsh, Colucci, Lubeley & Walsh, PC
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

**Re: RZ 2015-HM-010 – CHRISTOPHER W. & MARY J. WARNER
Hunter Mill District**

Dear Ms. Strobel:

At its March 16, 2016 meeting, the Planning Commission voted 7-4 (Commissioners Flanagan, Keys-Gamarra, Lawrence, and Strandlie voted in opposition. Commissioner Murphy was absent from the meeting) to **RECOMMEND APPROVAL** on the above-referenced application, subject to the execution of proffers dated March 7, 2016. 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: Catherine Hudgins, Supervisor, Hunter Mill District
- Frank de la Fe, Planning Commissioner, Hunter Mill District
- Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
- Laura Arseneau, Staff Coordinator, ZED, DPZ
- Robert Harrison, ZED, DPZ
- March 16, 2016 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 16, 2016
Verbatim Excerpt

RZ 2015-HM-010 – CHRISTOPHER W. AND MARY J. WARNER

Decision Only During Commission Matters
(Public Hearing held on February 17, 2016)

Commissioner de la Fe: Thank you very much, Mr. Chairman. The public hearing for RZ 2015-HM-010, in the name of Christopher W. and Mary J. Warner was held on February 17th, 2016. At that time, there were a number of folks that appeared – some in support – some opposed. And the – I would say that the major issue was how many additional housing – houses would be built, based on this rezoning, whether one or two. We are being asked to provide two additional houses. The third house would be the one that the Warners live in and they would remain there. The configuration of the two new houses presented a great deal of angst among the neighbors, particularly the ones across the street, in that they felt that the houses would be stacked one on top of the other and they – as one – more than one person said it would create a more urban feel to their neighborhood. I, frankly, don't think that these two additional houses would create, what I would consider, an urban feel, but that is their belief. The other major issue had to do with the modification being requested as being a very significant modification to the front lot line to permit a – Lot 3 to have a minimum width of 10 feet along Clarks Crossing Road. The issue of lot shape factor was brought up and I believe staff has – they have issued two addenda to this report, one dated March 9th and one dated February 10th. But I believe that the issue of shape factor has been adequately resolved. The houses have been moved so that, in effect, they're not straight – lined up straight. There have been a number of other changes with the addition of plantings and a number of other things. And staff has recommended approval for this. I – the public hearing for this case was deferred. First, it was partly – it was partly weather, but it was also to permit the Hunter Mill Land Use Committee to make a recommendation. They – after the public hearing, they – before – rather before the public hearing, they did not have a quorum to make a recommendation. I deferred the decision until tonight so that they could make a recommendation one way or another at their meeting last night. Their meeting last night was also cancelled because they did not have a quorum. I don't believe that it is fair or equitable to the applicant to continue to defer decision for a case to await a recommendation of the Land Use Committee when I can't guarantee that they will have a quorum at their next meeting. And they – whatever we decide tonight, the Land Use Committee can look at it again before it goes to the Board of Supervisors with our recommendation. I realize that – that there is a great deal of concern amongst some of the neighbors about the – particularly the severity of the lot width modification. However, I – after looking at a number of possible reconfigurations, I believe that this – this modification permits the best way to save as many trees as possible and to reduce the impervious surface that would be required in some of those models – as well as the fact that, even in those models, there would probably have to be waivers and modifications of the lot width – not as severe as this one, but – you know, they would be required for modifications. I believe that the applicants have a right to develop their land. The staff has recommend approval and, although I do not have a recommendation and there is no recommendation from the Land Use Committee – since I can't guarantee that they will have a quorum at their next meeting, I have decided that I agree with staff with the recommendation and will move on this case without the Land Use Committee recommendation. I know that this is something that I – I'm not sure that I have ever done it before, although I may have. I've been in the Commission a long, long time. But I really don't think it's fair – I mean, in effect, the Land Use Committee has had – I

think you have – the applicant has appeared at least three times and the Land Use Committee has had an opportunity to consider this at least four times. And they just have not been able to come up with a quorum for this, but it has been presented. So I just don't think it is fair to continue to defer this case. So Mr. Chairman, I – as I said – I believe that, in this case – let me look at my – RZ 2015-HM-010, in the name of Christopher Warner and Mary J. Warner – I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ H – 2015-HM-010 AND THE GENERALIZED DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED, I BELIEVE IT'S JANUARY 29TH, 2016 [sic].

Secretary Hart: The motion has been made by Commissioner de la Fe. Is there a second?

Commissioner Sargeant: Second.

Laura Arseneau, Zoning Evaluation Division, Department of Planning and Zoning: Mr. Hart? It should – the development condition should be – I'm sorry, proffer should be March 7th, 2016.

Commissioner de la Fe: MARCH 7TH, 2016.

Secretary Hart: Is there a second of the motion?

Commissioner Sargeant: Second.

Secretary Hart: Second by Commissioner Sargeant. Is there any discussion? Commissioner Lawrence.

Commissioner Lawrence: Mr. Chairman, thank you. I cannot support this motion. Let me say why. The existence of the new home on the property means that it turns its back on the new houses. The necessity for access for a third house on the property ends us up, no matter what we do, with a situation in which there isn't a convivial grouping of the houses. If you look at the patterns of groupings around this property on other sites, you see such groupings in clusters that are there. The applicant sent in a memo showing why a suggested seconded design for the thing wouldn't work. I agree they wouldn't work. I don't think the first design would work. I don't think it fits into the fabric of the community. Therefore, I cannot support the motion. Thank you.

Commissioner Hart: Further discussion on the motion? Seeing none, we'll move to a vote. All those in favor of the motion, as articulated by Commissioner de la Fe, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed?

Commissioners Flanagan, Keys-Gamarra, Lawrence, and Strandlie: No.

Secretary Hart: A division. All right. Commissioner Ulfelder?

Commissioner Ulfelder: Aye.

Secretary Hart: Commissioner Hurley?

Commissioner Hurley: Aye.

Secretary Hart: Commissioner Migliaccio?

Commissioner Migliaccio: Aye.

Secretary Hart: Commissioner Sargeant?

Commissioner Sargeant: Aye.

Secretary Hart: Commissioner de la Fe?

Commissioner de la Fe: Aye.

Secretary Hart: Commissioner Lawrence?

Commissioner Lawrence: No.

Secretary Hart: Commissioner Flanagan?

Commissioner Flanagan: No.

Secretary Hart: Commissioner Hedetniemi?

Commissioner Hedetniemi: Aye.

Secretary Hart: Commissioner Strandlie?

Commissioner Strandlie: No.

Secretary Hart: Commissioner Keys-Gamarra?

Commissioner Keys-Gamarra: No.

Secretary Hart: Someone count.

Commissioner de la Fe: Four to Seven.

Secretary Hart: Seven to four?

Commissioner de la Fe: Six.

Secretary Hart: All right. Chair votes aye, motion carries. Commissioner de la Fe?

Commissioner de la Fe: Okay, thank you very much. Mr. Chairman, I MOVE APPROVAL OF A MODIFICATION OF SECTION 9-610 OF THE ZONING ORDINANCE TO PERMIT THE WIDTH OF LOT 3 TO BE A MINIMUM OF 10 FEET WIDE.

Secretary Hart: Is there a second?

Commissioner Ulfelder: Second.

Secretary Hart: Commissioner – the motion’s seconded by Commissioner Ulfelder. Discussion on that motion? Seeing none, we’ll move to a vote. All those in favor of the motion, as articulated by Commissioner de la Fe, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed?

Commissioners Flanagan, Keys-Gamarra, Lawrence, and Strandlie: No.

Secretary Hart: I’ll assume it’s the same division. That motion carries.

Commissioner de la Fe: Thank you very much. I am sorry that I could not wait for the Land Use Committee to render a decision, but I think it would not be fair to do so. Thank you.

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(Each motion carried by a vote of 7-4. Commissioners Flanagan, Keys-Gamarra, Lawrence, and Strandlie voted in opposition. Commissioner Murphy was absent from the meeting.)

JLC



County of Fairfax, Virginia

February 18, 2016

**2016 Planning
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Chairman
Springfield District

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Vice Chairman
Hunter Mill District

James R. Hart
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**Re: RZ 2015-HM-010 – CHRISTOPHER W. & MARY J. WARNER
Hunter Mill District**

Dear Ms. Strobel:

At its February 17, 2016 meeting, the Planning Commission voted 12-0 to **DEFER THE DECISION ONLY** on the above referenced application to a date certain of March 16, 2016. A copy of the verbatim transcript is attached.

Sincerely,

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

Attachments (a/s)

cc: Catherine Hudgins, Supervisor, Hunter Mill District
Frank de la Fe, Planning Commissioner, Hunter Mill District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of
Supervisors, County Executive Office
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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



Planning Commission Meeting
February 17, 2016
Verbatim Excerpt

RZ 2015-HM-010 – CHRISTOPHER W. AND MARY J. WARNER

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Mr. Flanagan.

Commissioner de la Fe: No, it's me.

Chairman Murphy: I mean Mr. de la Fe.

Commissioner de la Fe: It's Hunter Mill.

Chairman Murphy: Hunter Mill, that's right.

Commissioner Flanagan: Thank heavens.

Commissioner de la Fe: As you can see, we have some questions – both from the Commission and from neighbors. And I think – and, as Ms. Strobel mentioned – the Land Use Committee did ask that – if they would come back again one more time, which is four – which is a lot. But I'm willing to – you know, grant that request. I do hope that we can resolve all of the issues. If not – you know, we may not be able to, but at least I want to hear from the Land Use Committee after they've had their fourth shot at this. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ 2015-HM-010 TO A DATE CERTAIN OF MARCH 16TH and the – WITH THE RECORD REMAINING OPEN.

Commissioners Hart and Lawrence: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion to defer RZ 2015-HM-010 decision only to a date certain of March 16th, with the record remaining open for written comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 12-0.)

JLC