



# County of Fairfax, Virginia

April 15, 2016

## 2016 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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**Ellen J. "Nell" Hurley**  
*Braddock District*

**John Ulfelder**  
*Dranesville District*

**James Migliaccio**  
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**Julie Strandlie**  
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**Karen Keys-Gamarra**  
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**Janyce N. Hedetniemi**  
*At-Large*

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

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

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

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

**Re: RZ/FDP 2014-LE-008 – PHD ASSOCIATES, LLC  
Lee District**

Dear Ms. Strobel:

At its April 13, 2016 meeting, the Planning Commission voted 11-0 (Commissioner Sargeant recused himself from the vote) to **RECOMMEND APPROVAL** on the above referenced rezoning application, subject to the execution of proffers dated April 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.

Concurrently, the Planning Commission voted 11-0 (Commissioner Sargeant recused himself from the vote) to **APPROVE** the above referenced Final Development Plan application, subject to development conditions dated February 23, 2016. As noted above, a copy of the verbatim transcript is attached, in addition to the development conditions.

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  
Fairfax County Planning Commission

Attachments (a/s)

cc: Jeffrey C. 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  
Kelly Atkinson, Staff Coordinator, ZED, DPZ  
Robert Harrison, ZED, DPZ  
April 13, 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.



**DEVELOPMENT CONDITIONS**

**February 23, 2016**

**FDP 2014-LE-008**

If it is the intent of the Planning Commission to approve Final Development Plan FDP 2014-LE-008 for residential development located at Tax Map 90-4 ((1)) 17, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions. These conditions are in addition to the proffered commitments approved with RZ 2014-LE-008.

1. Any plan submitted pursuant to this final development plan shall be in substantial conformance with the approved CDP/FDP entitled "Long Branch Property," prepared by Urban, Ltd. and dated December 11, 2013 as revised through February 5, 2016, and these conditions. Minor modifications may be permitted pursuant to Sect. 16-402 of the Zoning Ordinance.

RZ/FDP 2014-LE-008 – LONG BRANCH PARTNERS, LLC AND PHD ASSOCIATES, LLC

Decision Only During Commission Matters  
(Public Hearing held on March 9, 2016)

Commissioner Migliaccio: Thank you, Mr. Chairman. We had a public hearing last month on RZ/FDB – FDP 2014-LE-008. And I believe Mr. Sargeant needs to make a comment before I move on it.

Commissioner Sargeant: Thank you. Mr. Chairman, as you recall, I have recused myself from this particular application. A – in the affidavit for this particular application is the reference to a person who contributed to my 2015 campaign for Supervisor so I'm going to recuse myself from this decision too. Thank you.

Chairman Murphy: Okay, thank you very much.

Commissioner Migliaccio: Thank you, Mr. Chairman. Let me first begin by thanking Mike Van Atta and all of our professional County staff that have worked on this application. As you – as I noted before, it's RZ 2014. So this has been around for two-plus years. In those two-plus years, Mike has moved to a different division – a different job, but he has retained the lead staff coordinator on this. And I thank you for all your work on this. As I mentioned, last month we held a public hearing for this application to rezone land located at the end of Thomas Grant Drive from R-1 to PDH-3 to allow 35 townhomes to be built. At the public hearing and via other correspondence, three items were raised repeatedly by citizens – density, access, and marine clay. Let me take just a moment to address each. The density allowed per the Comprehensive Plan for this parcel is three to four dwelling units per acre. This is similar to adjacent subdivisions. Island Creek is zoned PDH-4 and Amberleigh is zoned R-5. When all of the County environmental regulations are applied, the allowable density on this 15 acre site is 3.12 dwelling units. The application before us tonight is for only 2.28 dwelling units per acre. As for the access to this site, that was established long ago when the land for the 1,100 or so homes in Island Creek was rezoned. When the old Hunter Tract was rezoned, this 15-acre parcel of land was designated to have access through a public road – Thomas Grant Drive. At no time was this property to cut through the floodplain, RPA, and wetlands to access Cinder Bed Road. The items – the item that perhaps garnered the most discussion throughout the community outreach process and with County staff was how to – how to safely deal with the Marine Clay onsite and still respect the environmentally sensitive areas. Marine Clay is not unique to this site. Marine Clay can be found in much of southeastern Fairfax County. In fact, much of the Kingstowne and the neighboring subdivisions were built on sites with identified problem soils. To address the concerns of the community, the applicant did much of the engineering normally left to the site plan process earlier in the process and provided this information for all to examine. As we heard at the public hearing, Island Creek's own engineer acknowledged that if done to proper engineering protocols, this site can be built upon safely. One other item that kept being brought up during this public hearing and throughout the process was misinformation about this site being built on a floodplain. Let me reiterate, not a single home is being built in the floodplain. This application has the support of our Lee District – my Lee District Land Use Committee and our professional planning staff. And therefore I have a few motions to make tonight, Mr. Chairman. I MOVE

THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2014-LE-008, SUBJECT TO PROFFERS DATED APRIL 7<sup>TH</sup>, 2016.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. 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-LE-06 – 008, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: And Mr. Chairman, I believe I need the applicant to come down on one – one item. I should've given you more warning.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: I apologize. I should've come down sooner.

Chairman Murphy: A grand entrance.

Ms. Strobel: My name is Lynne Strobel with the law firm of Walsh Colucci. I represent the applicant.

Commissioner Migliaccio: And do you agree with the development conditions attached to FDP 2014-LE-008 dated February 23<sup>rd</sup>, 2016?

Ms. Strobel: Yes.

Commissioner Migliaccio: Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2014-LE-008, SUBJECT TO DEVELOPMENT CONDITIONS DATED FEBRUARY 23<sup>RD</sup>, 2016, SUBJECT TO THE BOARD'S APPROVAL OF THE CONCURRENT REZONING.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to approve FDP 2014-LE-008, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING MODIFICATIONS – ONE, MODIFICATION OF THE REQUIREMENTS OF

PFM SECTION 7-0406.8A TO ALLOW A MINIMUM 30-FOOT PAVEMENT RADIUS WITHIN THE CUL-DE-SAC TERMINATING THE EXTENSION OF THOMAS GRANT DRIVE.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a 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 TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG ALL SIDES OF THE applicant – APPLICATION PROPERTY IN FAVOR OF THE EXISTING LANDSCAPING, AS SHOWN ON THE CDP/FDP.

Commissioner Hart: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman.

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(Each motion carried by a vote of 11-0. Commissioner Sargeant recused himself from the votes.)

JLC



# County of Fairfax, Virginia

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March 11, 2016

**2016 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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*Braddock District*

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**Earl L. Flanagan**  
*Mount Vernon District*

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**Janyce N. Hedetniemi**  
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*Executive Director*

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*Assistant Director*

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

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

**Re: RZ/FDP 2014-LE-008 – LONG BRANCH PARTNERS, LLC AND  
PHD ASSOCIATES, LLC  
Lee District**

Dear Ms. Strobel:

At its March 9, 2016 meeting, the Planning Commission voted 9-0 (Commissioner Sargeant recused himself from the vote. Commissioners Hedetniemi and Lawrence were not present for the vote.) to **DEFER THE DECISION ONLY** on the above referenced rezoning applications to a date certain of April 13, 2016. A copy of the verbatim transcript is attached.

Sincerely,

John W. Cooper, Clerk  
Fairfax County Planning Commission

Attachments (a/s)

cc: Jeff 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  
Kelly Atkinson, Staff Coordinator, ZED, DPZ  
Robert Harrison, ZED, DPZ  
March 9, 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 9, 2016  
Verbatim Excerpt

RZ/FDP 2014-LE-008 – LONG BRANCH PARTNERS, LLC AND PHD ASSOCIATES, LLC

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed.

Commissioner Migliaccio: Thank you, Mr. Chairman. I'll be very brief. We heard quite a few speakers tonight. There are some issues yet to be resolved regarding the proffers and we need some more time on that. Looks like March 16<sup>th</sup> is filled up with many applications and other items and that may not give enough time. And unfortunately, due to Easter and budget hearings, the next date is April the 13<sup>th</sup>. So I'm going to move it until April the 13<sup>th</sup>. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ/FDP 2014-LE-008 TO A DATE CERTAIN OF APRIL 13, 2016, WITH THE RECORD REMAINING OPEN.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend – to defer decision only on RZ/FDP 2014-LE-008 to a date certain of April 13<sup>th</sup>, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

JLC



# County of Fairfax, Virginia

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December 5, 2014

**2014 Planning  
Commission**

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

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

**Janet R. Hall**  
Secretary  
*Mason District*

**James R. Hart**  
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. Litzenberger**  
*Sully District*

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

**James Migliaccio**  
*Lee District*

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

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

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

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

Inda Stagg, Senior Urban Planner  
Walsh, Colucci, Lubeley, Emrich & Walsh, PC  
2200 Clarendon Boulevard, 13th Floor  
Arlington, Virginia, 22201

Re: **RZ/FDP 2014-LE-008 – LONG BRANCH PARTNERS, L.L.C.  
Lee District**

Dear Ms. Stagg:

At its December 4, 2014 meeting, the Planning Commission voted 11-0 (Commissioner Hedetniemi was absent from the meeting) to **DEFER THE PUBLIC HEARING** on the above referenced application to a date certain of February 25, 2015. A copy of the verbatim transcript is attached.

Sincerely,

Jill G. Cooper, AICP  
Executive Director

Attachments (a/s)

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  
Michael Van Atta, Staff Coordinator, ZED, DPZ  
Robert Harrison, ZED, DPZ  
December 4, 2014 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  
December 5, 2014  
Verbatim Excerpt

RZ/FDP 2014-LE-008 – LONG BRANCH PARTNERS, L.L.C.

During Commission Matters

Commissioner Migliaccio: Thank you, Mr. Chairman. I also have a deferral. It is on behalf of Long Branch Partners. They sent – the applicant sent a letter in to the Planning Commission to ask for a deferral for some additional time to work on the application. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER RZ/FDP 2014-LE-008, ON BEHALF OF LONG BRANCH PARTNERS, L.L.C. TO A DATE CERTAIN OF FEBRUARY 25<sup>TH</sup>, 2015.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to defer the public hearing on RZ/FDP 2014-LE-008, which is the Long Branch Partners application, to a date certain of February 25<sup>th</sup>, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 11-0. Commissioner Hedetniemi was absent from the meeting.)

JN