



County of Fairfax, Virginia

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Department of Planning & Zoning

OCT 12 2016

Zoning Evaluation Division

October 6, 2016

2016 Planning Commission

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Vice Chairman
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Julie Strandlie
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Kenneth A. Lawrence
Providence District

Karen Keys-Gamarra
Sully District

Janyce N. Hedetniemi
At-Large

Jill G. Cooper
Executive Director

Kimberly A. Bassarab
Assistant Director

John W. Cooper
Clerk to the Commission

Brian J. Winterhalter
Cooley, LLP
11951 Freedom Drive
Reston, VA 20190

**Re: RZ 2015-HM-005 – PULTE HOME CORPORATION
Hunter Mill District**

Dear Mr. Winterhalter:

At its October 5, 2016 meeting, the Planning Commission voted 4-2-1 (Commissioners Keys-Gamarra and Strandlie opposed. Commission Hart abstained. Commissioners Flanagan, Hedetniemi, Lawrence, Murphy and Sargeant were absent from the meeting.) to **RECOMMEND APPROVAL** of application RZ 2015-HM-005, subject to the proffers dated September 13, 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
Fairfax County Planning Commission

Attachments (a/s)

- cc: Catherine Hudgins, Supervisor, Hunter Mill District
- Frank A. de la Fe, Planning Commissioner, Hunter Mill District
- Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
- Carmen Bishop, Staff Coordinator, ZED, DPZ
- Robert Harrison, ZED, DPZ
- October 5, 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
October 5, 2016
Verbatim Excerpt

RZ 2015-HM-005 – PULTE HOME CORPORATION

Decision Only During Commission Matters
(Public Hearing held on September 29, 2016)

Secretary Hart: I recognize Commissioner de la Fe.

Commissioner de la Fe: Thank you, it's RZ 2015-HM-005, Pulte Home Corporation. We held a public hearing on this last week, 9-29, and then there – the staff continues to recommend denial on – on this application. If I understand it correctly, they base it on the overall design and their primary – the - their preference that one set of two-over-two's be removed so that there would be greater open space and that there would be a – in effect a better layout. In any case like this, which is for a relatively small property, in an area which is going to be subject of substantial redevelopment, I – it is difficult for the first item to come up to be the probably the smallest piece of this. As was discussed during the public hearing, the applicant made a rather substantial effort to meet the transportation requirements of the staff - that the staff had requested on, you know, as far as the street layout and, you know, contributions and so forth. The, to me, I – I – I really don't like to go against staff on this but to me in all cases are when – when they're not perfect, and I don't think many of them are, represent compromises. In this case, to me, the compromise of centers around the design for – the – those two units at the end and if we did not keep them the applicant has made it clear that it would be very difficult, if not impossible, for them to meet the commitment that they have made to provide WD – three WDU's with three bedrooms each, which is something that WDU's particularly with three bedrooms are very necessary. There have been questions as to the loading spaces and access for trash trucks and that, I believe that any area that is as small as this or in almost any urban area which this is, or will become, those are things that can be handled if the – the road are wide enough. And I believe that the alley where the trash trucks will come in is wide enough to not impede the access of residents and that the trash can be loaded and unloaded without overdue inconvenience. So, as I said, this is – it is very difficult when I have a staff recommendation for denial and a – a advisory committee, Reston Planning and Zoning, for approval. That – that sort of leaves that up to me. It's easy when they both agree, either for denial or for approval, but when they're split it makes it difficult. To me, the reason I will recommend approval is revolves primarily about the need for the WDU's in this, in - not only in this area but throughout Reston and throughout the county. And the fact that the applicant has made a concerted effort to work with other developers in the area and that's what is stated by staff – the Transportation Department staff last week. There is nothing in this development that will impede the development of other developers in the area. Therefore, Mr. Chairman, given that, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2015-HM-005, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED RELY (sic) – AND DATED REVISED SEPTEMBER 13, 2016.

Commissioner Migliaccio: Second.

Secretary Hart: Seconded by Commissioner Migliaccio. Discussion? Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: Yes, Mr. Chair, I am not going to be able to support this today. I – and part of the reason is because this is one of the first developments and I'm very concerned about access in terms of emergency vehicles as well as trash trucks and things of that nature. I'm also concerned about the reduced open space and I did review the letter from the other potential developer and I noted that he did not make any commitment for shared open space, although he mentioned it. And I'm – the biggest concern is just the precedential value. I think that if we make significant adjustments here and allowances the – the following developers will expect the same thing. And that's of significant concern for me because I think it can produce quality of life concerns.

Secretary 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 de la Fe, Hurley, Migliaccio and Ulfelder: Aye.

Secretary Hart: Those opposed?

Commissioners Keys-Gamarra and Strandlie: Nay.

Secretary Hart: The motion carries. The Chair abstains. I think it's one, two, three, four, five to one, with one abstention.

Commissioner Strandlie: I actually voted nay.

Secretary Hart: Oh, I'm sorry, 4-2, with one abstention. Thank you. Mr. de la Fe?

Commissioner de la Fe: Okay, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS THAT WERE HANDED OUT TONIGHT DATED OCTOBER 5TH, 2016, WHICH SHALL BE MADE A PART OF THE RECORD FOR THIS CASE.

Commissioner Migliaccio: Second.

Secretary Hart: Seconded by Commissioner Migliaccio. Discussion on that motion?
Commissioner Keys-Gamarra?

Commissioner Keys-Gamarra: Oh, I'm sorry. Could he repeat the motion?, I'm sorry, I didn't hear what he said.

Commissioner de la Fe: The – THE MOTION IS TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATIONS AND WAIVERS DATED OCTOBER 5TH, 2016, WHICH SHALL BE MADE A PART OF THIS RECORD.

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

Commissioners de la Fe, Hurley, Migliaccio and Ulfelder: Aye.

Secretary Hart: Those opposed?

Commissioner Keys-Gamarra and Strandlie: Opposed.

Secretary Hart: Then, Chair abstains again. The same - same division, 4-2 with one.

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(The motions carried by a vote of 4-2-1. Commissioners Keys-Gamarra and Strandlie opposed. Commissioner Hart abstained. Commissioners Flanagan, Hedetniemi, Lawrence, Murphy and Sargeant were absent from the meeting.)

TMW



County of Fairfax, Virginia

September 30, 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

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Brian J. Winterhalter
Cooley, LLP
11951 Freedom Drive
Reston, VA 20190

**Re: RZ 2015-HM-005 – PULTE HOME CORPORATION
Hunter Mill District**

Dear Mr. Winterhalter:

At its September 29, 2016 meeting, the Planning Commission voted 10-0 (Commissioners Hedetniemi and Lawrence were absent from the meeting) to **DEFER THE DECISION ONLY** of the above referenced application to a date certain of October 5, 2016. A copy of the verbatim transcript is attached.

Sincerely,

John W. Cooper, Clerk
Fairfax County Planning Commission

Attachments (a/s)

cc: Catherine Hudgins, Supervisor, Hunter Mill District
Frank A. de la Fe, Planning Commissioner, Hunter Mill District
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office
Carmen Bishop, Staff Coordinator, ZED, DPZ
Robert Harrison, ZED, DPZ
September 29, 2016 date file

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Planning Commission Meeting
September 29, 2016
Verbatim Excerpt

RZ 2015-HM-005 – PULTE HOME CORPORATION

After Close of the Public Hearing

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

Commissioner de la Fe: Thank you, Mr. Chairman. Mr. Chairman, this is one of those very difficult cases in which we have, probably, the smallest land-owner in the area, which is filing for a rezoning and redevelopment in an area which is primed for rezoning and redevelopment, but they happen to be first. They happen to be the smallest. And being first has its – its issues. I – as staff said, the changes of what is being proposed here and the grid of streets will not interfere with anybody else. There are other issues that have come up tonight, I think, such as the – perhaps, a better explanation of the loading and unloading of trash and the moving and so on and so forth. I know that I am not willing to wait until all of the other developments are analyzed and come up for rezoning. So I – I, you know, because that will take a long time. This one, as small as it is, I was noticing in – what we got that the original public hearing for this was scheduled for 12/9/15, so we've been at it for quite a while. But I'd like to take a little bit longer before I make a recommendation and so I would MOVE TO DEFER THE DECISION ONLY ON RZ 2015-HM-005 – at this point, I will defer for a week, but I may defer it again – but for now, TO A DATE CERTAIN OF OCTOBER 5TH, 2016, WITH THE RECORD REMAINING OPEN FOR WRITTEN TESTIMONY.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Hart [sic]. Is there a discussion of the motion? All those in favor of the motion to defer decision only on RZ 2015-HM-005 to a date certain of October 5th, 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 10-0. Commissioners Hedetniemi and Lawrence were absent from the meeting.)

JLC