



# County of Fairfax, Virginia

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January 19, 2017

## 2017 Planning Commission

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**Karen Keys-Gamarra**  
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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: SE 2016-DR-011 – H&M OF VIRGINIA, LLC  
Dranesville District**

Dear Ms. Strobel:

At its January 18, 2017 meeting, the Planning Commission voted 8-0-2 (Commissioners Keys-Gamarra and Niedzielski-Eichner abstained from the vote; Commissioner Sargeant recused himself from the vote; Commissioner Strandlie was were absent from the meeting) to **RECOMMEND APPROVAL** on the above referenced application, subject to the development conditions dated January 19, 2017, as attached. 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: John W. Foust, Supervisor, Dranesville District  
John C. Ulfelder, Planning Commissioner, Dranesville District  
Catherine A. Chianese, Assistant County Executive, Clerk to the Board of Supervisors, County Executive Office  
Casey Gresham, Staff Coordinator, ZED, DPZ  
Robert Harrison, ZED, DPZ  
January 18, 2017 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.



## PROPOSED DEVELOPMENT CONDITIONS

SE 2016-DR-011

January 18, 2017

If it is the intent of the Board of Supervisors to approve SE 2016-DR-011 located at 7072 Idylwood Road, Tax Map 40-1 ((1)) 12 to permit a waiver of the minimum lot width requirement pursuant to Sect. 9-610 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Chapter 101, the Subdivision Ordinance, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat (SE Plat) titled "7072 Idylwood Road Special Exception Plat," prepared by Walter L. Phillips, Inc., consisting of six sheets dated January 10, 2017, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. New dwelling units on the Application Property shall be constructed in accordance with one of the following programs, or an alternative third-party certification as approved by the Environmental and Development Review Branch of the Department of Planning and Zoning ("DPZ"). Selection of one of the following certification methods, or a DPZ-approved alternative, shall be within the Applicant's sole discretion at time of subdivision plan submission.
  - a. Certification in accordance with the Earth Craft Home Program as demonstrated through documentation provided to DPWES and DPZ prior to the issuance of a RUP for each dwelling;
  - b. Certification in accordance with the 2015 National Green Building Standard (NGBS) using the ENERGY STAR® Qualified Homes path for energy performance as demonstrated through documentation submitted to DPWES and DPZ from a home energy rater certified through Home Innovation Research Labs that demonstrates that the dwelling unit has attained the certification prior to issuance of a RUP for each dwelling.

## 5. Stormwater Management

- a. Prior to first submission of the Subdivision Plan, the applicant shall conduct a geotechnical investigation to the satisfaction of DPWES to demonstrate that the proposed detention and Best Management Practices (BMP) facilities shown on the SE Plat are feasible and that detention requirements will be met pursuant to the Public Facilities Manual (PFM).
- b. Prior to approval of the Subdivision Plan, the applicant shall demonstrate how BMP measures will be provided to the satisfaction of DPWES.
- c. Prior to issuance of a Residential Use Permit (RUP) for either lot, the applicant shall construct the bioretention facilities on the subject lot.
- d. Prior to approval of the Subdivision Plan, adequate outfall shall be demonstrated in accordance with the PFM, as determined by DPWES.
- e. If a modification of the PFM to permit the proposed facilities on individual lots as shown on the SE Plat is not granted by DPWES and facilities that are in substantial conformance with the SE Plat cannot be provided, then a Special Exception Amendment (SEA) shall be filed to provide water quantity and quality control measures in accordance with the PFM as determined by DPWES. Prior to record plat approval, residential covenants shall be recorded in the County Land Records which disclose to the existing and all subsequent property owners the maintenance obligations of the bioretention facilities.
- f. As stated in the Stormwater Management Narrative on page 5 of the SE Plat, water quality and quantity measures shall be met without purchasing offsite nutrient credits.

## 6. Tree Preservation and Landscaping: The following landscaping procedures shall be followed to assure adequate tree preservation.

- A. Tree Preservation: A Tree Preservation plan shall be submitted for review and approval as part of the first and all subsequent subdivision plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a Certified Arborist or Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 12 inches in diameter and greater located within the first 25 feet of the undisturbed area from the limits of clearing and grading and the first 10 feet from the limits of clearing in the disturbed area

shown on the SE Plan for the entire site.

The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SE Plan and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

- B. Tree Preservation Walk-Through: The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's Certified Arborist or Registered Consulting Arborist shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made, if any, to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.
- C. Limits of Clearing and Grading: The limits of clearing and grading shall be strictly adhered to as shown on the SE Plan, subject to allowances specified in these development conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SE Plan, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
- D. Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which

can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" condition below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

- E. Root Pruning: The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the submitted plan. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:
- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
  - Root pruning shall take place prior to any clearing and grading, or demolition of structures.
  - Root pruning shall be conducted with the supervision of a certified arborist.
  - An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.
- F. Site Monitoring: During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as per specific development conditions and as approved by the UFMD. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist to monitor all construction and demolition work adjacent to any vegetation to be preserved, tree preservation efforts and landscape installation, in order to ensure conformance with all tree preservation and landscaping development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

7. A statement shall be included in the deed of conveyance for proposed Lots 1 and 2 that states that both properties are governed by a Special Exception. A copy of the approved SE Plat and associated development conditions shall also be attached to the deed of conveyance.
8. Prior to or concurrent with subdivision plan approval, the Applicant shall dedicate, in fee simple, the proposed right-of-way dedication area on Idylwood Road to the Board of Supervisors of Fairfax County.
9. The asphalt walk shall be constructed in consultation with and to the satisfaction of VDOT.
10. The proposed driveway may be relocated in consultation with VDOT and FCDOT to provide acceptable transitions to the existing sidewalk on the adjacent property. In addition, notwithstanding what is shown on the plat, the applicant shall have the flexibility to reduce the width of the apron of the driveway at the time of subdivision plan, subject to approval by VDOT, FCDOT, and DPWES. .
11. In consultation with VDOT, appropriate drainage facilities will be provided along the Idylwood Road frontage in order to prevent ponding.
12. As shown on the SE Plat, the Buildable Area Schematics shall be honored to prevent any land disturbances or structures / uses outside of these areas. Information regarding the buildable area for each lot along with the restrictions shall be provided in the initial deeds of conveyance. All subsequent plans, including building permits, shall reflect the buildable areas as shown on the SE plat.
13. Within eight (8) months of approval of the application, a deed of vacation will be recorded among the Fairfax County land records to vacate an existing thirty (30) foot outlet road recorded in Deed Book B-12 at Page 407 among the Fairfax County land records. Said vacation shall be recorded subject to receipt of signatures from all beneficiaries. If all required signatures are not obtained, the outlet road shall not be required to be vacated. If the outlet road is not vacated, it shall not be improved by the Applicant nor used for vehicular access.
14. Subject to receipt of permission from the property owners, the Applicant shall remove gravel from those properties identified among the Fairfax County tax assessment records as 40-1 ((9)) 1, 2, 3 and 4. Upon removal of the gravel, the area shall be graded and seeded. Should one or more property owners refuse to grant permission to enter the property, this will not preclude removal of gravel, grading and seeding on those properties whose owners do grant permission. Said removal of gravel, grading and reseeding shall take place concurrent with development of the application property.

15. The two homes constructed on the property shall be generally compatible with the surrounding community with regard to architecture and building materials.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

**County of Fairfax, Virginia  
Planning Commission Meeting  
January 18, 2017  
Verbatim Excerpt**

*SE 2016-DR-011 – H&M OF VIRGINIA, LLC – Appl. under Sect. 9-610 of the Zoning Ordinance to permit a reduction in the lot width requirement from 100 ft. to 40 ft. Located at 7072 Idylwood Rd., Falls Church, 22043, on approx. 1.27 ac. of land zoned R-2. Tax Map 40-1 ((1)) 12. (Dranesville District)*

Decision Only During Commission Matters  
(Public Hearing held on November 30, 2016)

Commissioner Ulfelder: Thank you, Mr. Chairman. SE 2016-DR-11 – 011, is a Special Exception request for a lot width waiver, pursuant to Section 9-610 of the Zoning Ordinance. The 1.266-acre property, which is in the R-2 zoning district, is located on Idylwood Road in Falls Church. The applicant requests a waiver of the minimum 100-foot lot width in order to subdivide the rectangular property into two single-family lots to be served by a single driveway off of Idylwood Road. We held the public hearing on this application on November 30th. One of the immediate neighbors, as well as a representative of the Lemon Road Civic Association, spoke in favor of the proposed Special Exception. The McLean Citizens Association asked for additional time to consider the application and offer its views. The Planning Commission has since received a copy of a resolution approved by the McLean Citizens Association going on record opposing the application. The vote in that case by the way, I think, was 21 to 10, so there was some substantial opposition. The association stated that, as a matter of policy, it opposes lot width waiver requests due to their tendency to increase density and incompatibility with the surrounding neighborhood. While I agree with the association's general opposition to and concern about lot width waivers, I think approval is warranted in this case. First, the proposed development conditions, now dated January 18<sup>th</sup>, 2017, and special exception plat reflect revisions and changes that have been made since the public hearing in response to questions and concerns raised by the Commissioners and others. I believe they have helped improve the application. I also believe that the application meets the requirements of Section 9-610 of the Zoning Ordinance for the following reasons. The applicant has agreed to extra tree preservation measures, as well as the planting of additional trees and landscaping to protect the neighboring properties most directly affected by the two new homes. The applicant has agreed to further limit the building envelope for an area on each lot for the future construction of decks, patios, and similar features. The applicant has begun steps working with the neighbors to vacate the remaining portion of an old, unused outlet road on the property's boundary and committed to remove the gravel, then grade and seed the area, including the portions of the easement located on the neighboring properties. If, for any reason, the outlet road is not vacated, it will not be used for vehicular access. Essentially, the current eyesore and nuisance will be removed. The applicant has agreed that the two new homes to be constructed on the property will be generally compatible with the surrounding community as to their architecture and building materials. The applicant has agreed, and obtained the approval of both VDOT and the Fairfax County DOT for improvements along the frontage of the property that are compatible with the existing situation along that section of Idylwood Road and that maintain features particularly valued by the Lemon Road Civic Association. And the applicant has agreed to meet water quality and quantity requirements without purchasing offsite nutrient credits. Finally, I believe that, as proposed and subject to the proposed development conditions, the two lot subdivision with a shared driveway for both lots is compatible with the surrounding neighborhood and represents the best and most

reasonable plan for appropriate development of this lot and is consistent with the developments surrounding it. I do need to address one other issue that arose in a letter to the Planning Commission dated January 17<sup>th</sup>, 2017 concerning the County's authority to grant lot width waivers, pursuant to Section 9-610 of the Zoning Ordinance. All the members of the Planning Commission received copies of Ms. Strobel's earlier memo to the McLean Citizens Association Planning and Zoning Committee addressing this issue, and which should be part of the record of this proceeding. After further review and consideration of the arguments, I believe there are sound legal grounds for approving this application, pursuant to Section 9-610 of the Fairfax County Zoning Ordinance. Before I ask the applicant's representative to come up and make a motion, I have one further amendment to the development conditions that you received – I think you received redlined copies dated January 18<sup>th</sup>. And it's a change in Paragraph 7 in the last line, which currently reads, "attached to" – what is it – "shall also be attached to include the deed of conveyance." So in it – actually, this way, it's going to read – the last line is going to read, "attached to any deed of conveyance." In other words, this amendment would mean that any future conveyance is beyond the initial conveyances of the new homes would also have it attached so that the new – the second and third homeowner would be aware of the – of the conditions. So with that one amendment, I would ask the applicant's representative to come down. Ms. Strobel, good evening.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: Good evening.

Commissioner Ulfelder: Speaking on behalf of the applicant, does the applicant accept the development conditions – proposed development conditions now dated January 18<sup>th</sup>, 2017, with that one additional amendment to Paragraph 7?

Ms. Strobel: Yes.

Commissioner Ulfelder: Okay. Thank you.

Ms. Strobel: Thank you.

Commissioner Ulfelder: With that, Mr. Chairman, a simple motion – I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2016-DR-011, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS, WITH THE ONE AMENDMENT TO CONDITION NUMBER 7, DATED JANUARY 18<sup>TH</sup>, 2017.

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 SE 2016-DR-011, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Keys-Gamarra: I abstain. I was absent.

Chairman Murphy: Okay, Ms. Keys-Gamarra abstains. Not present for the public hearing.

Commissioner Ulfelder: I would like to thank staff for the – Casey particularly, for their great work – and for Lynne. Working with Lynne – I know Lynne worked very hard with the community and with the Lemon Road Civic Association and others to come up with a plan that was – would pass mustard and I very much appreciate all that effort. Thank you.

Ms. Strobel: Thank you.

Chairman Murphy: Yes. And there's another abstention on that. Mr. Niedzielski, you abstain. You weren't here.

Commissioner Ulfelder: He wasn't here.

Chairman Murphy: Okay. It was in November.

Commissioner de la Fe: Yeah. And Mr. Sargeant had recused himself, so that's why he left.

Chairman Murphy: And, for the record, Mr. Sargeant had recused himself from that public hearing.

The motion carried by a vote of 8-0-2. Commissioners Keys-Gamarra and Niedzielski-Eichner abstained from the vote. Commissioner Sargeant recused himself from the vote. Commissioner Strandlie was were absent from the meeting.

JLC



# County of Fairfax, Virginia

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December 5, 2016

RECEIVED  
Department of Planning & Zoning

DEC 07 2016

Zoning Evaluation Division

**2016 Planning  
Commission**

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

**Frank de la Fe**  
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2200 Clarendon Boulevard, Suite 1300  
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**Re: SE 2016-DR-011 – H&M OF VIRGINIA, LLC  
Dranesville District**

Dear Ms. Strobel:

At its December 1, 2016 meeting, the Planning Commission voted 10-0 (Commissioners Keys-Gamarra and Lawrence were absent from the meeting) to **DEFER THE DECISION ONLY** of the above-referenced application to a date certain of **January 18, 2017**, as attached. A copy of the verbatim transcript is attached.

Sincerely,

  
John W. Cooper, Clerk  
Fairfax County Planning Commission

Attachments (a/s)

cc: John W. Foust, Supervisor, Dranesville District  
John C. Ulfelder, Planning Commissioner, Dranesville District  
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✓ Robert Harrison, ZED, DPZ  
December 1, 2016 date file

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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](http://www.fairfaxcounty.gov/planning)



**County of Fairfax, Virginia**  
**Planning Commission Meeting**  
**December 1, 2016**  
**Verbatim Excerpt**

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During Commissioner Matters

Commissioner Ulfelder: Thank you, Mr. Chairman. Last evening, we had a public hearing on a lot width special exception, SE 2016-DR-011. And at the - after the conclusion of the public hearing I moved, and the Commission approved, to defer the decision only to January 19<sup>th</sup>. It turns out the Planning Commission is not meeting on January 19<sup>th</sup>. So I would like to offer a new motion for deferral for that item. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2016-DR-011, TO A DATE CERTAIN OF JANUARY 18<sup>TH</sup>, 2017, WITH THE RECORD REMAINING OPEN FOR SUBMITTED COMMENTS.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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

TMW



# County of Fairfax, Virginia

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December 2, 2016

**2016 Planning  
Commission**

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**Frank de la Fe**  
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**Re: SE 2016-DR-011 – H&M OF VIRGINIA, LLC  
Dranesville District**

Dear Ms. Strobel:

At its December 1, 2016 meeting, the Planning Commission voted 10-0 (Commissioners Keys-Gamarra and Lawrence were absent from the meeting) to **DEFER THE DECISION ONLY** of the above-referenced application to a date certain of **January 18, 2017**, as attached. A copy of the verbatim transcript is attached.

Sincerely,

John W. Cooper, Clerk  
Fairfax County Planning Commission

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December 1, 2016 date file

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**County of Fairfax, Virginia**  
**Planning Commission Meeting**  
**December 1, 2016**  
**Verbatim Excerpt**

*SE 2016-DR-011- H&M OF VIRGINIA, LLC – Appl. under Sect. 9-610 of the Zoning Ordinance to permit a reduction in the lot width requirement from 100 ft. to 40 ft. Located at 7072 Idylwood Rd., Falls Church, 22043, on approx. 1.27 ac. of land zoned R-2. Tax Map 40-1 ((1)) 12. (Dranesville District)*

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Commissioner Ulfelder: Thank you, Mr. Chairman. Last evening, we had a public hearing on a lot width special exception, SE 2016-DR-011. And at the - after the conclusion of the public hearing I moved, and the Commission approved, to defer the decision only to January 19<sup>th</sup>. It turns out the Planning Commission is not meeting on January 19<sup>th</sup>. So I would like to offer a new motion for deferral for that item. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2016-DR-011, TO A DATE CERTAIN OF JANUARY 18<sup>TH</sup>, 2017, WITH THE RECORD REMAINING OPEN FOR SUBMITTED COMMENTS.

Commissioner Migliaccio: Second.

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

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

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

TMW