

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JANUARY 14, 2010**

PRESENT: Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Earl L. Flanagan, Mount Vernon District
James R. Hart, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Sully District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District

ABSENT: Jay P. Donahue, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
Timothy J. Sargeant, Commissioner At-Large

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The meeting was called to order at 8:18 p.m., by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Lusk MOVED TO ACCEPT THE FOLLOWING SLATE OF PLANNING COMMISSION OFFICERS FOR 2010:

Chairman	Peter F. Murphy, Jr., Springfield District
Vice Chairman	Walter L. Alcorn, At-Large
Secretary	Suzanne F. Harsel, Braddock District
Parliamentarian	Frank de la Fe, Hunter Mill District

Commissioners Lawrence and Litzenberger seconded the motion which carried unanimously with Commissioners Donahue, Hall, Harsel, and Sargeant absent from the meeting.

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Commissioner Alcorn announced that the Planning Commission's Tysons Corner Committee would meet on Wednesday, January 20, 2010, at 7:00 p.m., in the Board Auditorium of the Government Center, to receive a staff briefing on the latest version of the proposed draft Comprehensive Plan text for Tysons redevelopment.

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FS-B09-177 – FAIRFAX COUNTY PARK AUTHORITY, 8717 Trafalgar Court

In Secretary Harsel’s absence, Chairman Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE “FEATURE SHOWN” DETERMINATION IN FS-B09-177, FAIRFAX COUNTY PARK AUTHORITY, AT 8717 TRAFALGAR COURT.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Donahue, Hall, Harsel, and Sargeant absent from the meeting.

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Chairman Murphy announced that tonight's public hearings would focus exclusively on proposed nominations to amend the Comprehensive Plan in the 2008-2009 North County Area Plans Review (APR) nominations which required Virginia Department of Transportation (VDOT) review. He reviewed the procedures for this evening and announced that after hearing each nomination, the public hearing would be closed, the record would remain open for written comment, and the markup for all nominations would be deferred to Thursday, January 28, 2010, at 8:15 p.m.

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ORDER OF THE AGENDA

Chairman Murphy announced that the nominations would be called in the following order:

1. Hunter Mill District nominations
2. Sully District nominations

This order was accepted without objection.

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2008-2009 NORTH COUNTY AREA PLANS REVIEW – (ITEMS REQUIRING VDOT ANALYSIS) – The Planning Commission will consider proposed Plan Amendment nominations submitted as part of the 2008-2009 North County Area Plans Review (APR) process in the Hunter Mill and Sully Supervisor Districts in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, VA, to consider proposed revisions to the Adopted Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. (Note: AP = Adopted Plan; NP = Nominated Plan; res. = residential; du/ac = dwelling units per acre, FAR = floor area ratio, ac = acres, sf= square feet.)

HUNTER MILL DISTRICT:

Faheem Darab, Planning Division (PD), Department of Planning and Zoning (DPZ), said that he and Sterling Wheeler, DPZ, would present the staff and Task Force recommendations for the Hunter Mill District items.

APR# 08-III-25UP: NE intersection of Fairfax County Pkwy. and New Dominion Pkwy., on 30.44 ac. AP: Planned and approved for a mix of uses including office, retail, res. institutional and community-serving uses at intensities between .50 and .70 FAR. NP: Add an option specifically for Reston Hospital Center and associated medical office buildings to develop with a mix of institutional, office, and medical facilities at up to 1.0 FAR with conditions.

Mr. Darab presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the nomination with modifications as shown on pages 9 and 10 of the Staff Report Book. He added that the Hunter Mill District Area Plans Review (APR) Task Force had agreed with this recommendation.

In response to questions from Commissioner de la Fe, Mr. Darab clarified that the Hunter Mill Task Force had not voted on the transportation language in the recommendations in the Staff Report Book.

Chairman Murphy reviewed the rules for testimony before the Commission and called the first listed speaker.

Mark Looney, Esquire, Cooley Godward Kronish, LLP, 11951 Freedom Drive, Reston, representing Reston Hospital Association, explained that the nominator proposed new language to modify the recommendation and clarify the transportation language to better align it with the Comprehensive Plan, clarify some of the transportation details, and remove specificity on the application's implementation to alleviate future rezoning issues. Noting that Reston Hospital Association had another application before the Planning Commission, he said the current nomination had been submitted in anticipation of future needs for additional densities beyond what was currently recommended in the Comprehensive Plan.

Responding to a question from Commissioner de la Fe, Mr. Looney confirmed that the hospital's other application would not be affected by the current nomination.

Commissioner de la Fe noted that although the Task Force had not seen the final language in the Staff Report Book, he anticipated no problem in resolving any issues.

There were no further speakers, comments, or questions; therefore, Chairman Murphy closed the public hearing.

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SULLY DISTRICT:

Bernard Suchicital, Planning Division (PD), Department of Planning and Zoning (DPZ), said that he and Sterling Wheeler, PD, DPZ, would present the staff and Task Force recommendations for the Sully District items.

APR# 08-III-3UP: E. and S. of Rugby Road and Ox Trail, N. and S. of Alder Woods Dr., on 73.23 ac. AP: Planned for hospital and related low-intensity ancillary medical office, service uses, and clinics with conditions, up to 0.30 FAR. NP: Increase maximum FAR to 0.40, allow additional vehicle access to property.

Mr. Suchicital presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the nomination with modifications as shown on pages 66 through 68 of the Staff Report Book.

Jeffrey Parnes, Vice Chairman and Sully District representative, Transportation Advisory Commission, noted that the Task Force was satisfied with the modified wording for the access point to the site.

Tim Sampson, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, 2200 Clarendon Boulevard, Arlington, attorney for the nominator, said the hospital's success and the growth in the area had increased the need for services over the past five years. He said to address community concerns, the proposed FAR had been reduced from .4 to .35 and access points to the hospital from Rugby Road had been reduced from two to one. He said enhancements to Rugby Road and the Fairfax County Parkway made by Inova in the past had improved the conditions at that intersection and the additional development would have a negligible impact on the overall level of service. He noted that the nomination had the support of the Sully District APR Task Force and the Western Fairfax County Citizens Association Land Use Committee.

Bonnye Carroll, 3806 Rugby Road, Fairfax, spoke in opposition to the nomination. She said that after living in her home for five years, she began to experience runoff from upstream development because the changes made to the detention pond when Fair Oaks Estates was built increased the rate of stormwater runoff to her property. She added that a dry pond that had been added for stormwater detention had been ineffective in providing protection for her property. She noted that Mr. Sampson had walked the property with community members and asked for their input regarding stormwater detention. Ms. Carroll said a detention pond had been proffered to

handle the hospital's runoff, but had never been built. She further noted that the proposed access to the hospital would create more runoff, not to mention an unacceptable level of traffic and noise.

James Christopher, 12602 Dusty Wheel Lane, Fairfax, spoke in opposition to the nomination. He said no traffic calming measures proposed by the nominator would mitigate the congestion currently experienced in the area by the community.

Laura Sandifer, Century Oak Homeowners Association, 12612 Misty Creek Lane, Fairfax, noted that she was a resident of the Century Oak community who served on the Sully APR Task Force. She explained that the Task Force would have preferred no expansion at all, but that the major concern was the additional access point onto Rugby Road at Misty Creek Lane because of the possible hazard to children walking to the nearby school.

Behdad Kashanian, 12609 Dusty Wheel Lane, Fairfax, spoke in opposition to the nomination. He showed a memorandum from William A. Brown, Vice President, Inova Health System, dated May 9, 2002, in which Inova Health Care Services provided mitigation measures prior to development. Mr. Kashanian pointed to Number 4, which addressed parking structures, and said the parking garage would be screened and would blend in with the development. However, despite requests from the community to be involved in design of the garage, the structure had no screening, thereby causing the lighting to flood into the surrounding neighbors' homes. (A copy of Mr. Kashanian's statement is in the date file.)

George Lucas, 3634 Rugby Road, Fairfax, spoke in opposition to the nomination, echoing Mr. Kashanian's remarks regarding the garage lighting. He added that the current traffic was barely manageable and that additional traffic would only be more dangerous.

Mr. Parnes said the Sully District Task Force had no objections to the proposed Plan Amendment.

In response to questions from Commissioner Litzenberger, Mr. Sampson explained that the Carrolls' property sat within the resource protection area at the confluence of a couple of streams that drained a large upstream watershed. He noted that the hospital had been developing on top of its current footprint to avoid increasing the amount of impervious surface and flow of water from the site.

Answering questions from Commissioner Alcorn, Mr. Sampson said he would investigate ways to add additional baffling or fielding to the lights.

In reply to questions from Commissioner Hart, Mr. Suchicital said he would look at language regarding stormwater impacts from the hospital prior to the markup.

Responding to questions from Commissioner Flanagan, Mr. Suchicital said he would check the record for the communication mentioned in Mr. Kashanian's testimony to determine what had been discussed.

There were no further speakers, comments, or questions; therefore, Chairman Murphy closed the public hearing.

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S08-III-DS1: E. of Lee Road, N. of Willard Road, W. of Sully Road, on 38.88 ac. AP: Light industrial and industrial/flex, up to .35 FAR, with option for high-quality hotel and/or mixture of office and industrial/flex uses. NP: Allow option for office/hotel use up to a 1.0 FAR as part of a mixed-use development.

Mr. Suchicital presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the nomination with modifications as shown on pages 150 through 152 of the Staff Report Book.

Jeffrey Parnes, Vice Chairman and Sully District representative, Transportation Advisory Commission, expressed concern about the intersection at Lee and Willard Roads, noting that it needed improvements and should be examined during rezoning.

Sara Mariska, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, 2200 Clarendon Boulevard, Arlington, representing Long and Foster, explained that although the property could be developed up to a 1.0 floor area ratio by-right with office, a more coordinated and cohesive mixed-use development was desired. She noted that the Comprehensive Plan provided for hotel use, but only up to a .35 FAR, which would not accommodate the hotel users that had expressed interest in this property. She said the proposal would improve traffic over that which was permitted under by-right development options. She noted that Long and Foster had made significant improvements to the intersection by dedicating land for the construction of the Willard interchange, making improvements to the Lee Road frontage, and funding a signal at the entrance to the nominated property. Ms. Mariska added that the Sully District Task Force, the Sully District Council, and the Western Fairfax County Citizens Association supported the nomination.

In response to questions from Commissioner Alcorn, Ms. Mariska said the I-5 District office space had been proffered. Dan Southworth, Fairfax County Department of Transportation, added that it had been grandfathered under a previous Commercial and Industrial Amendment.

There were no further speakers, comments, or questions; therefore, Chairman Murphy closed the public hearing.

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APR#08-III-6DS: S. of Frying Pan Road, W. of Frying Pan Branch Stream Valley Park, E. of Route 28, N. of Land Unit D-2, on 74.30 ac. AP: N. of the EQC planned for public park; S. of the EQC planned for office at .15 FAR. Option A: office use at .25 FAR if roadway link built and other conditions met. Option B: office use at .35 FAR if transit stop and other conditions met. NP: Text amendments. Option A: office and complimentary service retail use at .35 FAR. Option B: office use at .40 FAR if other conditions met.

Mr. Suchicital presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the nomination with modifications as shown on pages 106 through 110 of the Staff Report Book.

Jeffrey Parnes, Vice Chairman and Sully District representative, Transportation Advisory Commission, stated that the Task Force was satisfied with the nomination.

Gregory Riegle, Esquire, McGuireWoods, 1750 Tysons Boulevard, McLean, nominator, noted that changes had been made to the proposed nomination since the previous APR cycle, the most significant being the elimination of the residential option. He pointed out that Route 28 was well established for office development and that the nomination would provide incremental changes in density along with significant enhancements in buffering and aesthetics. He noted that the current language qualified the retail use to preclude free-standing, auto-oriented retail to minimize traffic impact. Mr. Riegle pointed out that the applicant would pay for necessary improvements to the road infrastructure by extending Sunrise Valley Road and added that a turnkey park would be developed on the site.

Thomas Gilmore, Copper Crossing Association, 2746 Copper Creek Road, Herndon, spoke in opposition to the nomination, citing the proximity of tall office buildings to his neighborhood. He said that the current Plan language was satisfactory and that taller office buildings could front Route 28, which would be consistent with adjacent developments. He noted that the language regarding tall buildings had been added subsequent to meetings with the Hunter Mill Task Force, adding that the buildings would dwarf the nearby homes and disrupt residents' privacy without proper buffering or transition. Mr. Gilmore expressed concern about stand alone restaurants at the site because of the trash and odor, parking lot lighting, and noise, all of which would be intrusive to nearby residents. He requested that the original language regarding the buffering be restored to read, "Appropriate screening is provided between any office development in this land

unit and the existing residential development in Land Unit C to protect stable residential communities.” He further opposed the building heights and restaurants and requested language prohibiting lighted ballfields.

Marc Mantelli, 2726 Copper Creek Road, Oak Hill, spoke in opposition to the nomination. Referring to the bullets listed under Item Number 1 under Recommendations on pages 108 through 110, he echoed Mr. Gilmore’s sentiments regarding building heights, proximity to the neighborhood, residents’ privacy, and lack of buffering. He added that the nominator should provide adequate green space for wildlife, water quality, and erosion control in the area.

In response to a question from Commissioner Flanagan, Mr. Mantelli said the stream valley between the nominated site and the residential development would not provide adequate buffering.

David Tiss, Copper Crossing Residents, 2728 Copper Creek Road, Herndon, spoke in opposition to the nomination. He provided a photograph showing a balloon 100 feet up and 500 feet from his property to demonstrate the impact of the requested building heights on his neighborhood. He said a four-story building near the residential neighborhood would be more appropriate while the taller buildings should front Route 28. He echoed previous remarks regarding the lighted ballfield and said the late hours and noise would be disruptive. (A copy of Mr. Tiss’ photograph is in the date file.)

Chairman Murphy noted that lighting for ballfields had improved greatly over the last few years and that the County needed more athletic fields.

Commissioner Hart, Mr. Suchicital, and Sterling Wheeler, Planning Division, DPZ, discussed the balloon’s location in relation to Mr. Tiss’ property and building height restrictions.

Commissioner de la Fe pointed out that every residential area that abutted this nomination lay in the Hunter Mill District.

In response to a question from Commission Litzenberger, Commissioner de la Fe confirmed that he was in favor of putting all the parks and recreational facilities in Hunter Mill.

There were no further speakers, comments, or questions; therefore, Chairman Murphy closed the public hearing.

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The meeting was adjourned at 9:41 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

SIGNATURES

January 14, 2010

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, VA 22035.

Minutes by: Jeanette Nord

Approved: May 26, 2011

Kara A. DeArrastia, Clerk to the
Fairfax County Planning Commission