

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JANUARY 14, 2015**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
Julie M. Strandlie, Mason District
James R. Hart, Commissioner At-Large
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Earl L. Flanagan, Mount Vernon District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Janyce N. Hedetniemi, Commissioner At-Large
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Ellen J. Hurley, Braddock District

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The meeting was called to order at 8:16 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Migliaccio MOVED TO ACCEPT THE FOLLOWING PLANNING COMMISSION OFFICERS FOR 2015:

Chairman	Peter F. Murphy, Jr., Springfield District
Vice Chairman	Frank A. de la Fe, Hunter Mill District
Secretary	James R. Hart, At-Large
Parliamentarian	Timothy J. Sargeant, At-Large

Commissioners Hedetniemi and Litzenberger seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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Chairman Murphy announced that the 2015 Committee Preference Form had been distributed to the Commission by John W. Cooper, Clerk to the Planning Commission. He noted that two of the Committees listed on the form, the Policy and Procedures Committee and the Personnel and Budget Committee, had limited membership. He then instructed the Commission to complete the form and submit it to Jill Cooper, Executive Director, by Wednesday, January 21, 2015.

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Commissioner Hart said that the Planning Commission’s Environment Committee had met earlier this evening to discuss electric vehicle charging station infrastructure and receive a presentation on underground stormwater facilities. He then announced that the Committee would meet again at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center on the following dates:

- Wednesday, February 18, 2015 (Discussion on building energy technology)
- Wednesday, March 4, 2015 (Discussion on electric vehicle charging station infrastructure)
- Wednesday, March 25, 2015 (Agenda to be determined.)

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Commissioner Migliaccio stated that due to unresolved issues, he intended to defer the public hearing for SE 2014-LE-025, Aydee Dolores Mauricio, Aydee’s Daycare, which was currently scheduled for Thursday, January 9, 2015, to a date to be determined in February 2015 or March 2015.

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Commissioner Flanagan said that the applicant for SEA 2014-MV-020, Foundation for the Collingwood Library and Museum on Americanism, had requested a deferral for the public hearing scheduled for Thursday, January 29, 2015; therefore, he announced his intent to defer SEA 2014-MV-020 to a date certain of Thursday, February 26, 2015.

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. SE 2014-BR-063 – BUSY BEARS CHILD CARE, INC.
2. RZ 2014-MA-011/SE 2014-MA-013 – SPECTRUM DEVELOPMENT, LLC

This order was accepted without objection.

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SE 2014-BR-063 – BUSY BEARS CHILD CARE, INC. – Appl. under Sects. 6-105, 6-106, and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 5509 Mitcham Ct., Springfield, 22151, on approx. 1,540 sq. ft. of land zoned PDH-3. Tax Map 79-1 ((8)) 20. BRADDOCK DISTRICT. PUBLIC HEARING.

Susan Langdon, Applicant's Agent, Jane Kelsey & Associates, Inc., reaffirmed the affidavit dated December 10, 2014.

There were no disclosures by Commission members.

Commissioner Hedetniemi asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, she asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hedetniemi for action on this case.

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Chairman Murphy: Public hearing is closed; recognize Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. I request that the applicant confirm their agreement to the proposed development conditions dated January 13th, 2015.

Laura Bernhardt, Co-Applicant/Title Owner: Thank you. I'm Laura Bernhardt, the applicant, and I do agree to the proposed development conditions. Thank you.

Commissioner Hedetniemi: Thank you.

Chairman Murphy: Thank you very much.

Commissioner Hedetniemi: Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-BR-063, SUBJECT TO DEVELOPMENT CONDITIONS DATED JANUARY 13TH, 2015.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. 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 2014-BR-063, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. Thank you. Good luck.

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

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RZ 2014-MA-011 – SPECTRUM DEVELOPMENT, LLC – Appl.
to rezone from R-3, C-2, CRD, HC, and SC to C-6, CRD, HC, and

SC to permit retail, pharmacy with drive-through, and fast food uses with an overall Floor Area Ratio (FAR) of 0.22 and waivers and modifications in a CRD. Located on the S. side of Leesburg Pk., between Charles St. and Washington Dr., on approx. 2.72 ac. of land. Comp. Plan Rec: Retail and Office. Tax Map 61-2 ((17)) (D) 1, 3, 4 and 5; and 61-2 ((18)) 1, 2, 3, 4, and 5. (Concurrent with SE 2014-MA-013.) MASON DISTRICT.

SE 2014-MA-013 – SPECTRUM DEVELOPMENT, LLC – Appl. under Sects. 4-604 and 9-622 of the Zoning Ordinance to permit a pharmacy with drive-through and fast food restaurant(s) and waivers and modifications in a CRD. Located at 5885 Leesburg Pk., 3408 & 3410 Washington Dr., and 3425 & 3401 Charles St., Falls Church, 22041, on approx. 2.72 ac. of land zoned C-6, CRD, HC, and SC. Tax Map 61-2 ((17)) (D) 1, 3, 4 and 5; and 61-2 ((18)) 1, 2, 3, 4, and 5. (Concurrent with RZ 2014-MA-011.) MASON DISTRICT. JOINT PUBLIC HEARING.

William Lawson, Applicants Agent, The Law Office of William B. Lawson, PC, reaffirmed the affidavit dated January 6, 2015.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had an ongoing case where the Board of Directors of a condominium in which Mr. Lawson was both a resident and a member of the Board was a client. He then said that since this attorney/client relationship was ongoing, he would recuse himself from this joint public hearing.

Brent Krasner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended denial of applications RZ 2014-MA-011 and SE 2014-MA-013 for the following reasons:

- The design, size, and location of the drive-through pharmacy was not consistent with the recommendations for the site in the Comprehensive Plan, such as the installation of bicycle trails along Leesburg Pike and the realignment of Charles Street and Glen Forest Drive, because it would limit the applicant's ability to dedicate sufficient right-of-way;
- The applicant's proposed designs for the realignment for Charles Street and Glen Forest Drive were not viable due to the significant angle of the realigned street and the impact on the existing shopping center located along Glen Forest Drive;
- The drive-through pharmacy on the site had a negative impact on the visual character of the area, was not conducive to creating the character recommended for the Bailey's Crossroads area, and did not meet the criteria prescribed by the Zoning Ordinance for such a feature;

- The architectural designs of the proposed pharmacy on the site did not sufficiently integrate with the designs of the other proposed developments on the site;
- The location of the entrance to the pharmacy was not located in close proximity to pedestrian paths along Leesburg Pike and the location of the loading area was too close to the pedestrian seating area and the right-of-way; and
- The applicant's proffers and development conditions had not been sufficiently reviewed by staff and contained numerous unresolved issues pertaining to monument signage, the operation of the drive-through, and the process for loading and unloading on the site.

Commissioner Lawrence expressed concern about the loading and unloading of large trucks on the site, the restrictions on parking that would occur while a large truck was unloading, and the proximity of the loading space area to the handicapped parking spaces. He then asked how the proposal addressed these issues. Mr. Krasner indicated that the proposed pharmacy on the site would utilize tractor trailer trucks for deliveries and noted that staff had also expressed concerns about the location of the loading space area, adding that this location was too close to the right-of-way and the outdoor seating area at the northern portion of the site. He then confirmed that these tractor trailer trucks would block a certain number of parking spaces and the applicant had attempted to address this issue in the proffers, but he deferred to the applicant for more information on these provisions.

Commissioner Strandlie described the history of the redevelopment of the subject property, pointing out the need for redevelopment of the site and the unresolved issues associated with this proposal. She then said that these issues had not been sufficiently addressed, adding that she met with the applicant to discuss additional modifications. She also stated that the Mason District Land Use Committee opposed the proposal. In addition, Commissioner Strandlie pointed out the revisions the applicant had implemented to address concerns raised by staff and the community, but certain issues remained while others needed to be articulated in the proffers and the development conditions. She then announced her intent to defer the decision only for these applications at the conclusion of the public hearing to a date certain of Thursday, January 22, 2015.

When Commissioner Strandlie asked why the applicant rejected staff's recommended redesigns of the proposed pharmacy, Mr. Krasner explained that staff had suggested different arrangements for the pharmacy on the site, noting that the size of the site limited the applicant's ability to provide parking. He also stated that staff suggested permitting additional flexibility for the design of the proposed pharmacy. However, he pointed out that the client for the proposed pharmacy, CVS, required specific design elements to accommodate the configuration of the development, such as the location of the entrance and the loading areas. Mr. Krasner then indicated that CVS did not support staff's suggested arrangements. In addition, he said that staff had also recommended modifications to the architecture of the proposed pharmacy to make it more compatible with the rest of the commercial development on the site. He then said that while the applicant had agreed to install additional windows along the eastern façade of the structure, no further modifications to the design of the pharmacy were accepted.

Answering questions from Commissioner Ulfelder, Mr. Krasner said that the proposed seating area located on the northern portion of the site was approximately 1,000 square feet. He also confirmed that this seating area would be part of the pedestrian path that would access the proposed pharmacy on the site, adding that most of the pedestrian traffic accessing this pharmacy would come from Leesburg Pike. A discussion between Commissioner Ulfelder and Mr. Krasner ensued regarding the location of the loading area to the pedestrian path leading from the seating area and the location of the entrance to the pharmacy wherein Mr. Krasner explained that the applicant rejected a suggestion to install an additional entrance near Leesburg Pike because it was not consistent with the design sought by CVS.

Referring to the memorandum in Appendix 7 of the staff report in which the Fairfax County Department of Transportation (FCDOT) estimated that the proposed development would add approximately 8,100 weekday trips and 8,300 weekend trips to the intersection of Charles Street and Leesburg Pike, Commission Ulfelder asked for more information on these figures. Michael Davis, FCDOT, explained that the applicant conducted a traffic analysis for the subject applications and the estimated trip calculations were intended to measure the overall impact on the transportation network in the area. A discussion ensued between Commissioner Ulfelder and Mr. Davis, with input from Ariel Yang, FCDOT, regarding the concerns raised by residents regarding cut-through traffic in their neighborhood and the impact of additional trips on Washington Drive and Charles Street wherein Ms. Yang said that the applicant's Traffic Impact Analysis (TIA) indicated that approximately 10 percent of the trips would originate from Charles Street, approximately 5 percent of the trips would originate from Washington Drive, and the majority of the trips would originate from Leesburg Pike.

Mr. Lawson stated that he served on the task force that re-planned Bailey's Crossroads and this proposal was the first development based on this new plan. He explained that the plan for Bailey's Crossroad would establish a town center environment that incorporated urban village concepts and pointed out that the subject property was located in an area of Bailey's Crossroad that did not include high-density developments. In addition, he said that a Comprehensive Plan Amendment (PA 2013-I-B1) for the subject property had been approved in 2014 and this Amendment contained a site-specific modification that would facilitate the submission of the subject applications. Mr. Lawson addressed staff's concern that the proposed drive-through was not consistent with the Comprehensive Plan, pointing out that the language in the Plan text prohibiting drive-throughs on the subject property had been deleted in PA 2013-I-B1. He then stated that the Comprehensive Plan permitted drive-throughs within commercial developments throughout Bailey's Crossroads if such a feature met the following criteria:

- The drive-through was designed in a manner that sufficiently integrated with the commercial uses on the site;
- The drive-through did not significantly impact traffic circulation within the site;
- The drive-through did not incur a significant impact on the surrounding transportation network; and

- The drive-through preserved the safety of pedestrians and vehicles.

Mr. Lawson said that the proposed pharmacy met these criteria because it was not located in close proximity to pedestrian paths or parking areas. He then addressed staff's concern regarding the location of the entrance to the proposed pharmacy, stating that the location of these entrances was appropriate because the site could be accessed by a pedestrian entranceway along Leesburg Pike. He added that Mason District Supervisor Penelope Gross indicated that these entrances satisfied the language in the Comprehensive Plan. Mr. Lawson addressed staff's concerns regarding the impact the proposal would have on the planned realignment of Charles Street and Glen Forest Drive, stating that the proposed development would not be viable if additional right-of-way was dedicated. He then said that the design of the drive-through for the proposed pharmacy was consistent with the Comprehensive Plan and the Zoning Ordinance. In addition, he stated that the location of the subject property was not suitable for the gateway features that staff had recommended. He then deferred to Jeffrey Saxe, Applicant's Agent, Kimley-Horn and Associates, Inc., for more information about the plan and distributed suggested changes to the proposed development conditions. (A copy of Mr. Lawson's proposed changes is in the date file.)

Mr. Saxe explained that the plan for Bailey's Crossroads recommended the redevelopment of properties located along Leesburg Pike and the proposal was consistent with this plan. He added that locating development along Leesburg Pike restricted the locations for loading areas and drive-throughs. He said that the applicant had reviewed numerous potential locations for the drive-through and the proposed location generated the least impact, stating that other possible locations would conflict with pedestrians walking from the parking lot to the entrance to the pharmacy. In addition, Mr. Saxe indicated that the suburban character of the surrounding area and the density of the proposed development made placing the entrance to the drive-through along Leesburg Pike inappropriate. He added that approximately 90 percent of the trips to the subject property would be generated by vehicles with the remaining 10 percent generated by pedestrians, which made locating the drive-through entrance along Leesburg Pike inconvenient for vehicles. Mr. Saxe described the streetscape that would be incorporated into the proposed development, which included brick pavement, outdoor dining, and a bus shelter. He also noted that the applicant had agreed to install additional windows along the eastern façade of the proposed pharmacy to address staff's concerns regarding the visual character of the development. In addition, he said that the applicant had incorporated features that would enhance pedestrian access to the site for pedestrians along Leesburg Pike, adding that additional paths would be constructed along Charles Street and Washington Drive. Mr. Saxe addressed staff's concerns regarding the compatibility of the architecture for the proposed pharmacy and the adjacent commercial structure by explaining the following:

- The proposed pharmacy needed to be secure due to the nature of its business;
- The adjacent commercial building consisted of approximately 12,000 square feet of commercial area and would accommodate multiple tenants, such as restaurant and retail establishments;

- The intended use for the commercial building required a large footprint and secure areas for loading;
- The building materials for both buildings would utilize similar colors for the brick and trim materials;

Mr. Saxe pointed out that the drive-through for the proposed pharmacy would be screened from Charles Street by trees and a four-foot brick wall with landscaping on both sides. In addition, he indicated that the canopy for the proposed drive-through had been reduced to further mitigate the visual impact. He also pointed out additional pedestrian paths along Charles Street that could be used to access the site. In addition, he said that the applicant would install a seven-foot brick wall along the southern portion of the subject property to screen the development from the residential neighborhood to the south of the site. Addressing staff's concern regarding the realignment of Charles Street and Glen Forest Drive, Mr. Saxe explained that the applicant would provide sufficient right-of-way to provide an alignment with an intersection at angles of 67, 75, or 90 degrees. He then indicated that the alignment featuring an intersection with a 67-degree angle could be implemented without any modifications to the properties along Glen Forest Drive, but noted that alignments beyond this angle would require modifications to these properties. In addition, he stated that staff had provided a design for the realignment that would remove the drive-through from the proposed pharmacy, but the applicant did not support this design because it would negatively impact the structure, adding that CVS would not pursue this development without a drive-through. Mr. Saxe also said that the applicant had updated the provisions outlined in the staff report to reflect its commitment to providing more windows along the eastern façade of the proposed pharmacy, provide additional signage to direct pedestrians to the entrance of the pharmacy, prohibit the sale of single-servings of beer for off-site consumption, and provide additional right-of-way to accommodate bicycle trails throughout the site. He stated that while staff recommended denial of the subject applications, he noted that the Planning Commission, the Board of Supervisors, and the Mason District Land Use Committee had unanimously approved PA 2013-I-B1, which included language supporting the applicant's location of the entrances to the site. In addition, he indicated that the Bailey's Crossroads Revitalization Corporation and the Office of Community Revitalization had unanimously recommended approval of the subject applications. Mr. Saxe acknowledged that staff did not support certain provisions within the proposal, but said that it was consistent with the planned developments for Bailey's Crossroads.

In response to questions from Commissioner Migliaccio, Mr. Saxe stated that the applicant had not provided staff with renderings depicting the proposed drive-through from Charles Street or Leesburg Pike. He also indicated that the trees the applicant would install to screen the drive-through would achieve maturity approximately ten years after planting, acknowledging that the drive-through would be more visible prior to this maturation. He added that the four-foot brick wall along Charles Street would provide sufficient screening for the drive-through during this period. A discussion ensued between Commissioner Migliaccio and Mr. Saxe regarding other instances where applicants had negotiated with CVS on other developments involving a drive-through pharmacy and the possibility of coordinating with CVS on alternative designs for the proposed pharmacy wherein Mr. Saxe noted the difficulties of providing a drive-through at

certain sites that could not be developed by-right and Commissioner Migliaccio encouraged further coordination with CVS on the need for the drive-through.

Commissioner Strandlie stated that she had discussed the need for the drive-through with the applicant and she concurred that removing the drive-through would make the proposed development more feasible, adding that a drive-through was not necessary for the site to be successful. She echoed remarks from Commissioner Migliaccio regarding additional coordination between the applicant and CVS on the need for the drive-through.

Commissioner Strandlie expressed concern regarding the maintenance of the area around the four-foot wall screening the pharmacy drive-through from Charles Street and asked whether the applicant would implement landscaping provisions for this area. She also recommended that the applicant commit to providing sufficient trees to supplement this screening, adding that certain types of trees had been installed successfully at other sites. Mr. Saxe did not object to these recommendations, saying that the applicant would maintain the landscaping for this area, which was part of the right-of-way reserved for the planned realignment of Charles Street and Glen Forest Drive.

Commissioner Strandlie said that she had coordinated with the applicant on concerns regarding the loading area for large trucks, indicating that the applicant had committed to limiting the hours when large trucks could operate. She also indicated that additional concerns had been raised regarding the number of parking spaces that would be blocked while large trucks were onsite, saying that the applicant had agreed to provisions that would require certain parking spaces to be clear prior to the arrival of these trucks. Mr. Saxe concurred that the applicant did not object to these provisions and would incorporate appropriate language into the proffers. He also explained that a CVS store required one to two deliveries from large trucks per week and only one truck would be utilized for all goods sold at this pharmacy. He then said that the applicant would limit the loading hours for this site to between 7:00 a.m. and 10:00 a.m. In addition, Mr. Saxe stated that the staff on the site would block off the necessary parking spaces prior to the arrival of trucks on the site. Commissioner Strandlie reiterated her suggestion for additional coordination between CVS and the applicant regarding the possible removal of the drive-through.

Commissioner Flanagan pointed out the difficulty of designing a development on the subject property that was consistent with the Comprehensive Plan recommendation that parking be located to the side or rear of the main structure. He noted that similar provisions were in place for developments on Richmond Highway in areas where there was an emphasis on ensuring that pedestrian traffic could be accommodated. He added that there had been instances where developments had to be modified to provide some parking along the frontage of the buildings while the majority of the parking was located behind. Commissioner Flanagan suggested implementing similar designs for the proposed development and expressed support for modifying the architecture accordingly to provide additional flexibility for the orientation of the buildings.

Commissioner Lawrence pointed out that Development Condition Number 7 in Appendix 2 of the staff report limited the hours of operation of tractor-trailer trucks on the site, but noted that other types of trucks were not mentioned. He then asked why these other trucks were not

included in this language. Mr. Saxe indicated that this language had been provided by staff because tractor-trailer trucks would provide the most difficulty in operating on the site. He then indicated that the proffers included a provision that limited deliveries on the subject property to all types of trucks during certain hours. Commissioner Lawrence acknowledged the constraints of the site, but recommended that the applicant provide additional language clarifying these restrictions in both the proffers and development conditions during the deferral period.

Commissioner Lawrence stated that staff had indicated that the applicant had not included certain transportation provisions in the proffers and asked for more information. Mr. Saxe explained that the applicant had submitted a traffic impact analysis to the Virginia Department of Transportation (VDOT), but the applicant had not received feedback on this analysis. He added that this study concluded that additional striping along Washington Drive would be beneficial and the applicant did not object to including such a commitment in the proffers. However, he stated that the applicant would wait until VDOT provided the necessary feedback before submitting a revised set of proffers. A discussion ensued between Commissioner Lawrence and Mr. Saxe regarding the ways in which the language of the revised proffers if VDOT did not provide the applicant with sufficient feedback during the deferral period and the possibility of including conditional language wherein Mr. Saxe indicated that he did not object to utilizing conditional language.

In reply to questions from Commissioner Litzenberger, Mr. Saxe explained that the applicant had provided VDOT with six possible designs for the realignment of Charles Street and Glen Forest Drive, but VDOT expressed support for a design featuring an intersection at an 80-degree angle. He added that the applicant did not object to this design and the proposal provided sufficient right-of-way for it, but indicated that it would require modifications to the property along Glen Forest Drive to implement. He added that since staff did not support this design, the applicant provided designs that included an intersection at a 75-degree angle in the staff report. In addition, Mr. Saxe stated that parking would be reduced on the site along Glen Forest Drive to accommodate design for a realignment of Charles Street and Glen Forest Drive at a 75-degree angle, but noted that this reduced parking would still be consistent with the standards articulated in the Zoning Ordinance. In addition, he said that the final design of the realignment of Charles Street and Glen Forest Drive would be determined by VDOT and FCDOT.

When Commissioner Litzenberger asked staff whether the applicant's proposed alignment of Charles Street and Glen Forest Drive at a 75-degree angle was feasible, Mr. Davis explained that since this realignment was recommended in the Comprehensive Plan, the applicant was required to provide sufficient right-of-way to accommodate the realignment without any modifications to the existing development along Glen Forest Drive. He added that staff had concluded that the applicant would not provide sufficient right-of-way under the subject applications and the applicant had not provided viable alternative designs, many of which impacted the existing development along Glen Forest Drive. In addition, Mr. Davis stated that staff had not coordinated with the owner of this existing development along Glen Forest Drive during the discussions regarding PA 2013-I-B1. He acknowledged that some of the applicant's designs for this alignment were feasible, but the applicant had not provided sufficient flexibility in pursuing alternative designs. He then reiterated that the applicant's proposed designs for the realignment would result in a significant impact on the existing development along Glen Forest Drive.

Commissioner Hedetniemi concurred with Commissioner Strandlie that the drive-through for the proposed pharmacy created too many constraints for the proposed development. She also said that designs for the proposed pharmacy and the proposed commercial development on the site were not sufficiently compatible. She asked for an explanation as to why these two buildings were constructed separately on the same site and whether joining these buildings into a single development to provide additional space on the site was feasible. Mr. Saxe explained that the space between the two buildings was necessary to provide sufficient space to accommodate loading on the site and to provide sufficient pedestrian paths, adding that the Bailey's Crossroads plan limited the applicant's ability to modify the orientation of the buildings or provide parking along the façade facing Leesburg Pike. In addition, he said that the space between the buildings was necessary to accommodate the unique loading needs for the proposed pharmacy. Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Brian Lowit, 3504 Washington Drive, Falls Church, voiced opposition to the proposal. He pointed out that two petitions signed by members of the surrounding community had been submitted to the Planning Commission prior to the public hearing. He said that the proposed development was not consistent with the Comprehensive Plan's recommendations to implement urban character and pedestrian-friendly features in the area, adding that drive-throughs and fast food restaurants were not suitable uses for the site. In addition, Mr. Lowit stated that the proposal was not consistent with the character of the surrounding residential community. He also pointed out that there was an existing pharmacy located near the subject property and there were numerous fast food establishments around the site as well, saying that he favored non-fast food restaurants. Mr. Lowit indicated that he supported the redevelopment of Bailey's Crossroads, but he did not favor the design and proposed uses for the subject property. He also echoed remarks from Commissioner Strandlie regarding the opposition to this application by the Mason District Land Use Committee. In addition, he recommended that the applicant seek another tenant for the proposed pharmacy if CVS did not provide sufficient flexibility. He reiterated his support for redeveloping the site, but favored designs that were more compatible with the surrounding community. (Copies of the petitions are in the date file.)

Gwen Lowit, 3504 Washington Drive, Falls Church, voiced opposition to the proposal. She indicated that she had coordinated with her surrounding community to gather signatures for the petitions opposing the proposal mentioned by Mr. Lowit. She said that her neighbors had expressed concerns regarding the scope of the proposal, the increase in traffic it would incur, and the possible increase in noise and trash generated by the site. Ms. Lowit echoed remarks from Mr. Lowit, saying that she supported redeveloping the subject property, adding that her neighbors supported redeveloping the site as well. However, she said that the proposal was not consistent with the character or density of the surrounding community, adding that the community had also expressed concerns about further encroachment into residential areas by commercial development. Ms. Lowit also stated that the community had met with the applicant on numerous occasions and stated that the applicant had not provided the community with sufficient information on the tenants that would occupy the commercial space on the site. In addition, she said she did not support the inclusion of a drive-through for the proposed pharmacy on the site, adding that such a feature was not consistent with the Comprehensive Plan's recommendations to create a more urban, pedestrian-friendly environment. Ms. Lowit pointed out that another pharmacy near the site attempted to install a drive-through, but this request was

denied and Supervisor Gross had voiced her opposition to such a feature. She then recommended that if a drive-through pharmacy was needed, then she favored installing it at an existing pharmacy.

Irene Xenos, 3505 Maple Court, Falls Church, spoke in opposition to the subject applications. She explained that she was a primary caregiver for her grandmother, who lived at a residence near the subject property. She said that the proposal would encroach into an existing residential neighborhood by replacing homes along Charles Street and Washington Drive with parking lots. Ms. Xenos also stated that the traffic generated by the proposal would negatively affect her ability to access her property. In addition, she pointed out that the intersection at Leesburg Pike and Washington Drive was already significantly congested and the subject application would add to this congestion, noting that this would impede her ability to access her driveway. She also stated that the additional traffic would generate health and safety hazards, adding that the applicant had not sufficiently addressed these concerns. Ms. Xenos said that she did not support permitting access to the site from Charles Street and Washington Drive, but noted that VDOT did not support relocating these access points. She then pointed out that most of the trips generated by the proposed development would be required to utilize Charles Street and Washington Drive because the site could not be accessed from Leesburg Pike. Ms. Xenos stated that uses such as a pharmacy or fast food restaurant generated a significant negative impact on nearby residential communities and favored uses with less impact. She then pointed out that other commercial developments along Leesburg Pike had access points farther away from the residential properties and were better screened, which mitigated the impact. In addition, she said the proposal would negatively impact the land values on her property. She then said she supported the recommendations by staff and the Mason District Land Use Council to deny the subject applications.

Dionysios Xenos, 3505 Maple Court, Falls Church, spoke in opposition to the proposal. He expressed concern about the loading procedures for the proposed development. He then explained that the multiple tenants on the site would require multiple trucks because of the unique needs of each tenant, adding that deliveries were often staggered and some of these trucks also served other properties. He indicated that this truck traffic would negatively impact the surrounding neighborhood because these trucks would be required to utilize Washington Drive and Charles Street to access the site, adding that restricted hours for loading would create congestion within the site or force trucks to park along the side of the road. In addition, Mr. Xenos indicated that the size of the loading zone was not large enough to accommodate this truck traffic. He then said he favored a different type of commercial development on the site.

Maria Xenos, 3505 Maple Court, Falls Church, voiced opposition to the proposal. She said she resided on a residential property located to the east of the subject property with her mother. She explained that she and her mother had health and mobility issues and the proposed development would negatively impact the quality of life on her property and generate safety concerns. Ms. Xenos pointed out that the location of the access point for the site on Washington Street was located near her property and the additional traffic would make accessing her property more difficult and hazardous. In addition, she said that the additional congestion along Washington Drive would generate more traffic accidents and noted that these accidents would likely occur

near her property because of its close proximity to the access point for the site. (A copy of Ms. Xenos' testimony is in the date file.)

Commissioner Hedetniemi commended Ms. Xenos' testimony and stated that the Planning Commission would coordinate with staff and Supervisor Gross to preserve the quality of life for nearby residents in the community.

Wade Beach, 3429 Charles Street, Falls Church, spoke in opposition to the proposal. He said he lived in the residential community located to the south and east of the subject property. He then echoed remarks from previous speakers regarding the negative impact the proposed development would have on the surrounding residential community. Mr. Beach stated that he did not support permitting fast food establishments on the subject property. He also indicated that he did not support locating the access points for the site on Washington Drive and Charles Street, echoing remarks from previous speakers regarding the additional traffic that would be generated on these streets and the impact this would have on the community. In addition, Mr. Beach pointed out that Charles Street was narrow and did not permit street parking. He also noted that there was a church located near the site that also generated significant traffic during certain days and this would further worsen the impact of the proposal on the surrounding neighborhood. He then said that the width of Charles Street would make it difficult for large trucks to access the property.

Athanasios Xenos, 3505 Maple Court, Falls Church, voiced opposition to the proposal, aligning himself with the opposition expressed by previous speakers. In addition, he indicated that the applicant had not been sufficiently flexible in modifying the proposed development to mitigate its impact on the surrounding community.

Nicholas Xenos, 3505 Maple Court, Falls Church, voiced opposition to the applications. He said that he did not support a development that would generate significantly more traffic along Washington Drive and Charles Street. In addition, he expressed concern about the additional pedestrian traffic that the proposal would generate, saying that it could create issues regarding crime, trash, and safety. Mr. Xenos described the existing pedestrian traffic in the area, stating that trash and crime was an ongoing concern throughout the community. He then said that the applicant had informed him that the paths pedestrians utilized could not be regulated and cited a nearby restaurant where crime was an issue. He also stated that the proposed development was not consistent with the suburban character of the surrounding neighborhood.

When Chairman Murphy and Commissioner Flanagan asked staff about the location of the residence referenced by the Xenos family, Mr. Krasner pointed out that the property was identified as Lot 8 in the R-3 residential development located east of the subject property. A discussion ensued between Chairman Murphy and Kristen Abrahamson, ZED, DPZ, with input from Mr. Krasner and members of the Xenos family, wherein Ms. Abrahamson stated that Maple Court was located farther south of this property and other members of the Xenos family resided along this street, noting that the eldest member of the family resided on Lot 8 with a caregiver.

When Commissioner Flanagan asked for clarification on who resided at the residence on Lot 8 of the R-3 residential development located east of the property, Ms. Abrahamson indicated that an

elderly woman and her caregiver lived at this residence while other members of her family lived nearby.

Adrienne Dominguez, 6021 Onodaga Road, Bethesda, MD, representing Alta Enterprises 1, LLC, voiced opposition to the proposal. She said that she owned the existing commercial properties along Glen Forest Drive and expressed concern that the planned realignment of Charles Street and Glen Forest Drive would require that a portion of the parking lot on her property be taken. Ms. Dominguez explained that the existing commercial development on her property was stable and there were no plans for redevelopment. She then stated that she did not support a design for the realignment of Charles Street and Glen Forest Drive that would reduce parking on her property because this would negatively impact the businesses and traffic that utilized this site. She noted the heavy use of this property and indicated that the parking provisions on her property were frequently at capacity, adding that parking accommodations were articulated in the lease agreement for the businesses on her property. Ms. Dominguez reiterated that she did not support a realignment that would impact her property, adding that she had recently reserved some of her property for sidewalk and crosswalk improvements. In addition, she expressed concern about pedestrian safety for pedestrians crossing the street and realigning Charles Street and Glen Forest Drive at a significant angle would made this crossing more hazardous. She then expressed concern about the need for such an alignment. Ms. Dominguez added that she did not permit drive-throughs on her property. (A copy of Ms. Dominguez statement is in the date file.)

Replying to questions from Commissioner Migliaccio, Ms. Dominguez said that she had not been informed of the applicant's options for the realignment of Charles Street and Glen Forest Drive until three weeks prior to the public hearing. She then indicated that she had met with the applicant once since she had been informed. She said that the applicant told her that a realignment with a 67-degree angle would be pursued, which would not affect her property. Ms. Dominguez then indicated that her property could not accommodate an alignment at a greater angle. She added that she supported developing the subject property with additional commercial uses, but reiterated that she did not support the realignment of Charles Street and Glen Forest Drive. In addition, she said that she had not been informed her of the additional designs for this realignment during her meeting with the applicant.

Responding to questions from Commissioner Litzenberger, Ms. Dominguez stated that she had not participated in the task force or the public hearings regarding the redevelopment for Bailey's Crossroads. She then explained that she had been informed about the planned widening of Leesburg Pike and the realignment of Charles Street and Glen Forest Drive, but she had not been informed that this realignment could result in reduced parking for her property.

In reply to questions from Commissioner Hedetniemi, Ms. Dominguez said that Glen Forest Drive was a dead end street. Ms. Abrahamson then pointed out the location of Glen Forest Drive and Charles Street. She also described the current layout of these streets in conjunction with Leesburg Pike, but added that Glen Forest Drive did not dead end. In addition, she stated that the realignment of Charles Street and Glen Forest Drive had been planned for a number of years with the plan for Bailey's Crossroads and concerns had been expressed about how this alignment would affect Ms. Dominguez's property. Ms. Abrahamson also pointed out that the subject

applications and PA 2013-I-B1 were limited to the subject property, which also limited the designs for the realignment that could be considered.

A discussion ensued between Commissioner Hedetniemi and Mr. Davis regarding the traffic impact of the realignment of Charles Street and Glen Forest Drive wherein Mr. Davis explained that the realignment was being pursued to improve pedestrian safety and traffic flow through the area.

When Commissioner Hedetniemi asked about the need for the realignment of Charles Street and Glen Forest Drive, Mr. Davis pointed out that the use of the streets would continue regardless of the realignment and reiterated that the proposed realignment would improve safety for vehicles accessing the residential neighborhoods along these streets. In addition, Ms. Yang stated that the realignment would improve the operation of the traffic signals along Leesburg Pike, noting that the existing signals were inefficient.

A discussion ensued between Commissioner Hedetniemi and Ms. Abrahamson regarding the impact the realignment of Charles Street and Glen Forest Drive would have on the surrounding neighborhoods, the scope of the subject applications, and the need to conduct a TIA wherein Ms. Abrahamson reiterated that this realignment was part of the overall plan for Bailey's Crossroads and explained that realigning the streets would improve traffic, citing other areas of the County that had benefited from such alignments.

In reply to questions from Commissioner Flanagan, Ms. Dominguez confirmed that she owned the commercial property located at the intersection of Leesburg Pike and Glen Forest Drive. She then said that there were no applications to redevelopment this property. In addition, she reiterated that she opposed any design for the realignment of Charles Street and Glen Forest Drive that would result in reduced parking for her property.

In response to questions from Commissioner Lawrence, Ms. Dominguez indicated that reducing the parking on her property would negatively impact the tenants, noting the constraints of the available parking provisions at this site. She then confirmed that she did not object to an alignment of Charles Street and Glen Forest Drive that included a 67-degree angle because it would not affect her property. Ms. Dominguez also stated that she supported additional commercial development on the subject property.

Commissioner Lawrence recommended that staff study the overall cost and impact that a realignment of Charles Street and Glen Forest Drive would incur on existing properties. Mr. Davis acknowledged the constraints of this area, but echoed remarks from Ms. Abrahamson regarding the importance of this realignment for the plan for Bailey's Crossroads. He added that the applicant was aware of these plans and had submitted various designs for this alignment, but staff did not support these designs.

Christina Beach, 3429 Charles Street, Falls Church, aligned herself with remarks from previous speakers in opposition to these applications. She also expressed concern about the negative impact the proposal would have on the environment and the quality of life in the surrounding neighborhood. Ms. Beach said that the density of the proposed development was not consistent

with the residential developments along Charles Street. In addition, she expressed concern about the safety of pedestrians along Charles Street, noting that increased traffic and increased truck traffic would be hazardous for the area. Ms. Beach said the proposed development would also increase the amount of noise generated by the site. She then echoed remarks from Commissioner Hedetniemi regarding the need for the realignment of Charles Street and Glen Forest Drive. In addition, she stated that she favored developing the subject property with development that would preserve more green space features, such as a fountain.

Duc Ngo, 3413 Washington Drive, Falls Church, spoke in opposition to the proposal. He aligned himself with Ms. Beach's remarks, stating that he supported installing green space features on the subject property because it would improve the character of the surrounding community. He also echoed remarks from previous speakers regarding the increased traffic the proposal would generate on Charles Street and Washington Drive, adding that the congestion would be worsened in the event of an accident on nearby roads, such as Columbia Pike. Mr. Ngo also did not support permitting fast food restaurants on the subject property because it would have a negative impact on the environment of the surrounding community.

Trang Than Thi Ngo, 3414 Washington Drive, Falls Church, voiced opposition to the subject applications. She then indicated that she did not support the proposed retail development on the subject property.

Janet Hall, 6424 Cavalier Drive, Falls Church, voiced opposition to the proposal. She explained that she was a former Mason District Planning Commissioner and had worked on the subject applications, noting that the subject property was currently vacant and there was significant support for developing. She then said that she supported developing the site and pursuing the realignment of Charles Street and Glen Forest Drive, pointing out that left turns could not be made onto Charles Street from Leesburg Pike in the existing alignment. Ms. Hall echoed remarks about the inclusion of this realignment in the Comprehensive Plan, saying that it had been part of the plan for Bailey's Crossroads for numerous years. She explained that while she supported the applicant's efforts to consolidate the development on the site and install buffering between the subject property and the nearby residential neighborhoods, she did not support the applicant's proposed designs. She pointed out that the Comprehensive Plan recommended urban development for the area and the design of the proposed pharmacy was more consistent with suburban development, adding that there were other urban developments planned for nearby areas. Ms. Hall pointed out that the Comprehensive Plan did not provide specific designs for such development, saying that this had caused confusion amongst residents of the surrounding areas regarding the intent of the language. She then stated that the proposal was not consistent with the Comprehensive Plan or did not have the support of the Mason District Land Use Committee. In addition, she expressed concern about the applicant's coordination with CVS, stating that CVS had not been flexible with the design of the proposed pharmacy. Ms. Hall recommended that the applicant seek another tenant if CVS would not modify its design in a way that would make it consistent with the Comprehensive Plan.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Saxe and Mr. Lawson. Mr. Saxe addressed concerns regarding the drive-through, pointing out that the Comprehensive Plan did not prohibit the installation of a drive-through, provided it was

sufficiently screened and did not hinder internal circulation within a development. In addition, he said that the drive-through pharmacy on the site would not incur a significant number of trips, stating that the applicant had calculated that the drive-through would generate seven trips an hour during peak hours. Mr. Saxe then addressed the concerns raised by the Xenos family, saying that the access points into the subject property could not be modified, but noted that the applicant would construct a brick wall and install landscaping to screen their property. He also addressed concerns raised regarding fast food establishments on the site, saying that the Zoning Ordinance determined the criteria for such establishments and certain tenants would generate different impacts compared to others. Mr. Saxe addressed the concerns raised by staff regarding the realignment of Charles Street and Glen Forest Drive, stating that the realignment could be achieved under the subject applications because Charles Street could be aligned at an angle. He then pointed out that the Comprehensive Plan did not specify the angle of the alignment and the proposal reserved sufficient right-of-way to achieve this realignment at an appropriate angle. He also indicated that he did not support modifying the development to accommodate the realignment because it would limit the applicant's ability to develop the subject property. In addition, Mr. Saxe said that there was no timetable for the realignment of Charles Street and Glen Forest Drive and the Comprehensive Plan only required an applicant to provide sufficient right-of-way to accommodate this realignment in the future. He then explained that the applicant had coordinated with the County on PA 2013-I-B1 and indicated that the proposal was consistent with this Amendment.

Chairman Murphy called for concluding staff remarks.

Bernard Suchicital, Planning Division, DPZ, addressed Mr. Saxe's remarks regarding PA 2013-I-B1, explained that there had been a previously-approved Area Plans Review (APR) for the area surrounding the subject property, which included options for retail and office uses. He then stated that the intent of the APR was to permit development with a more urban character. He said that since the approval of this APR, the applicant had submitted numerous requests for a drive-through pharmacy in the area and staff denied these requests because such a feature could not be accommodated. Mr. Suchicital then explained that PA 2013-I-B1 amended the development options for the subject property to permit a drive-through, but the applicant did not meet the criteria articulated in this Amendment to permit such a feature. He said that the applicant provided significant screening along Washington Street for the drive-through pharmacy, but staff concluded that the design and layout of the drive-through was not sufficient. Mr. Suchicital said that the applicant had submitted alternative designs for the proposed pharmacy with and without drive-through pharmacy, but the applicant did not support these designs. In addition, he stated that PA 2013-I-B1 permitted some encroachment into the residential properties to the south of the site to improve the transition between the commercial and residential areas along Leesburg Pike, noting that the current transition was insufficient. Mr. Suchicital indicated that the applicant had proposed a landscaped buffer area along the southern portion of the site. He then stated that the applicant had requested a waiver to reduce this area from 50 feet to 17 feet at its narrowest and 23 feet at its widest, but noted that staff did not support this waiver because it was not consistent with the Comprehensive Plan language to provide substantial buffering between residential and non-residential uses.

Replying to questions from Commissioner Flanagan, Mr. Krasner said that the applicant estimated that the parking capacity on Ms. Dominguez's property would be reduced by approximately 28 spaces if the applicant's alternative design for the realignment of Charles Street and Glen Forest Drive were pursued. He stated that the applicant had provided this design at staff's request. He then indicated that this reduced capacity on Ms. Dominguez's property was still consistent with Zoning Ordinance requirements for parking. Mr. Krasner also said that the applicant was not being asked to pay Ms. Dominguez to compensate her for the loss of this parking if this design for the realignment were pursued, noting that the County would pay to implement the realignment. In addition, Mr. Davis reiterated that the applicant was being asked to dedicate right-of-way to ensure it could accommodate the recommendations for the Comprehensive Plan regarding the realignment of Charles Street and Glen Forest Drive. He then explained that staff and the applicant had been coordinating on the amount of dedication necessary to accommodate this realignment, but noted that the proposed alternative designs to the realignment were submitted because the applicant would not dedicate the amount of right-of-way staff concluded was necessary. Mr. Davis said that if the County could not secure a design for the realignment that met the recommendations of the Comprehensive Plan, then pursuing this realignment could impact Ms. Dominguez's property because it would require the County to acquire additional right-of-way. He then indicated that staff did not support a design for the realignment of Charles Street and Glen Forest Drive that impacted Ms. Dominguez's property. A discussion ensued between Commissioner Flanagan and Mr. Krasner, with input from Mr. Davis, regarding the possible means for the County to acquire additional land to pursue the realignment of Charles Street and Glen Forest Drive wherein Mr. Krasner and Mr. Davis explained the following:

- The County could require Ms. Dominguez to provide additional right-of-way for this realignment if her property were redeveloped;
- The property owned by Ms. Dominguez had no current plans to redevelop and the Comprehensive Plan did not recommend any development for this site;
- The implementation of a realignment of Charles Street and Glen Forest Drive that required property from Ms. Dominguez would require the County to exercise its condemnation powers; and
- The realignment of Charles Street and Glen Forest Drive would remain in the Comprehensive Plan if the proposal were denied and any future redevelopment on the subject property would be required to provide sufficient right-of-way for this realignment.

Commissioner Lawrence commended the testimony of the speakers. He then addressed concerns raised regarding the need for a pharmacy on the site when there were other pharmacies located in the area, saying that the need for such use was determined by the private market. In addition, he echoed remarks from Ms. Hall regarding the inflexibility of the tenant for the proposed pharmacy, saying that staff and the Planning Commission were required to rule whether the features of a proposal were in sufficient conformance with the Comprehensive Plan.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Strandlie for action on these cases.

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Chairman Murphy: Public hearing is closed. Ms. Strandlie, welcome to the Planning Commission.

Commissioner Strandlie: Thank you. And thank you to everyone who came out this evening. This has been a very enlightening experience and I look forward to working with everyone on this project. Are we ready to make a motion?

Chairman Murphy: Yes.

Commissioner Strandlie: Okay. I MOVE THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ 2014-MA-011 AND SE 2014-MA-013 TO A DATE CERTAIN OF JANUARY 22ND, 2014 [sic] WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner de la Fe: 2015.

Commissioner Strandlie: 15. Sorry.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to defer decision only on RZ 2014-MA-011 and SE 2014-MA-013 to a date certain of January 22nd, with the record remaining open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much folks. I appreciate you coming and your testimony. Thank the applicant and Mr. Krasner. Fellow transportation gurus sitting in the elevated seats, thank you very much for participating.

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(The motion carried by a vote of 10-0. Commissioner Hart recused himself. Commissioner Hurley was absent from the meeting.)

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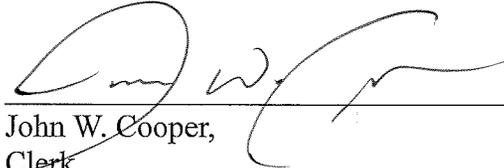
The meeting was adjourned at 10:52 p.m.
Peter F. Murphy, Chairman

James R. Hart, Secretary

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

Minutes by: Jacob Caporaletti

Approved on: September 17, 2015

A handwritten signature in black ink, appearing to read "John W. Cooper", is written over a horizontal line.

John W. Cooper,
Clerk,
Fairfax County Planning Commission