MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, JANUARY 16, 2008

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

ABSENT: Nancy Hopkins, Dranesville District

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The meeting was called to order at 8:21 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 Hart announced that the Environment Committee had met this evening and had received a presentation from JPI on Dulles Station, a LEED For Homes pilot project for a multi-family development in the Hunter Mill District. He added the Committee would meet again on March 13, 2008, at 7:30 p.m., in the Board Conference Room to review staff's proposals on green building incentives.

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Commissioner Lusk announced that the Redevelopment and Housing Committee would meet on Wednesday, January 23, 2008, at 7:30 p.m., in the Board Conference Room to continue discussion on Universal Design, including proposed Policy Plan language and a proposed draft proffer.

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Chairman Murphy announced that the BRAC/Fort Belvoir Area Plan Review Committee would meet on Thursday, January 17, 2008, at 7:30 p.m., in the Board Conference Room. (Note: The meeting was changed to Thursday, January 24, 2008, at 7:30 p.m. due to weather cancellation of January 17, 2008 meeting.)

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON PCA 1999-MV-025-03 AND SE 2006-MV-033, EXXON-MOBIL, TO A DATE CERTAIN OF JANUARY 23, 2008, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioner Hopkins absent from the meeting.

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FS-B07-59 – VERIZON WIRELESS, 4700 MEDFORD DRIVE

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATION FACILITY PROPOSED BY VERIZON WIRELESS FOR THE STADIUM LIGHT POLE MONOPOLE IS A "FEATURE SHOWN" AND IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioner Hopkins absent from the meeting.

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FSA-M98-13-1 – SPRINT NEXTEL, 3601 FIREHOUSE LANE

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FSA-M98-13-1 IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* 15.2-2232 AS AMENDED.

Commissioners Alcorn and Flanagan seconded the motion which carried unanimously with Commissioner Hopkins absent from the meeting.

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FSA-M96-62-1 – SPRINT NEXTEL, 3800 POWELL LANE

Commissioner Hall MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE REPLACEMENT OF THE EXISTING ANTENNAS AND THE INSULATION OF THE ADDITIONAL EQUIPMENT CABINETS ON THE ROOFTOP OF THE BUILDING LOCATED AT 3800 POWELL LANE IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* 15.2-2232 AS AMENDED.

Commissioners Alcorn and Flanagan seconded the motion which carried unanimously with Commissioner Hopkins absent from the meeting.

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FS-S07-47, VERIZON WIRELESS, FAIRFAX COUNTY PARKWAY AND LEE CHAPEL ROAD

Chairman Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-S07-47.

Commissioner Alcorn seconded the motion which carried by a vote of 10-0-1 with Commissioner Sargeant abstaining; Commissioner Hopkins absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. FDPA 2000-MV-019 – JEFFERSON AT LAUREL HIGHLANDS, L.P
2. S07-CW-4CP – STREAM PROTECTION

This was accepted without objection.

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FDPA 2000-MV-019 - JEFFERSON AT LAUREL HIGHLANDS, L.P. – Appl. to amend the final development plan for RZ 2000-MV-019 previously approved for residential development to permit a 5,500 sq. ft. community center, site modifications, and associated changes to development conditions. Located on the W. side of Shirley Hwy. and E. of Silverbrook Rd. at the terminus of McCauley Way on approx. 10.96 ac. of land zoned PDH-12. Tax Map 107-2 ((12)) G. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Lubeley, Emrich & Walsh, P.C., reaffirmed the affidavit dated December 11, 2007. Commissioner Hart disclosed that the law firm of Hart and Horan, PC, had a pending case with Walsh, Colucci, Lubeley, Emrich, and Walsh, PC, but there was no financial relationship and it would not affect his ability to participate in this case.

Peter Braham, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the file. He stated that staff recommended approval of the application.

Ms. Strobel noted that the proffers for the previously approved rezoning application provided for a recreational facility for the multi-family portion of the Laurel Highlands development. She said the applicant now wished to expand the clubhouse to include a management office, theater, recreational facility, and fitness center. Ms. Strobel pointed out that the applicant had worked with the South County Land Use Committee, the South County Federation, and Laurel Highlands citizens on development conditions to address parking issues. She said the applicant had agreed to continue working with the community on traffic and transportation concerns, as indicated in a letter to the Laurel Highlands Homeowners' Association, Inc., dated January 8, 2008, a copy of which is in the date file.

In response to a question from Commissioner Flanagan, Ms. Strobel said that all parking for guests would be onsite.

Responding to a question from Commissioner de la Fe, Ms. Strobel confirmed that the multi-family units would not be part of the homeowners' association, established for the adjacent single family development.

Commissioner Hart suggested editing the first sentence in Development Condition Number 2 to say: "The clubhouse shall be limited to use by residents of the multi-family units and their guests." Ms. Strobel said the property owner would be responsible for ensuring that the requirements of Development Condition Number 2, no more than ten guests at a party without prior approval or an event that lasted past midnight, were honored.

Answering a question from Commissioner Harsel, Ms. Strobel explained that the single-family homes and multi-family units would have separate swimming pools.

In response to a question from Commissioner Lawrence, Ms. Strobel said there was a fitness room for the multi-family residents, but no basketball court.

Chairman Murphy called for speakers but received no response. He noted that rebuttal was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Flanagan for action on this item. (A verbatim transcript is in the date file.)

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 2000-MV-019, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JANUARY 16, 2008, WITH THE REVISION, RECOMMENDED BY COMMISSIONER HART, TO THE FIRST SENTENCE OF CONDITION NUMBER 2, TO READ: "THE CLUBHOUSE SHALL BE LIMITED TO USE BY THE RESIDENTS OF THE MULTI-FAMILY UNITS AND THEIR GUESTS."

Commissioner Sargeant seconded the motion which carried unanimously with Commissioner Hopkins absent from the meeting.

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION APPROVE THE PREVIOUSLY-GRANTED MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT AND THE WAIVER OF THE BARRIER REQUIREMENTS BETWEEN SECTION THREE AND THE ADJACENT SINGLE FAMILY ATTACHED DWELLING UNITS.

Commissioner Hart seconded the motion which carried unanimously with Commissioner Hopkins absent from the meeting.

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION APPROVE THE PREVIOUSLY-GRANTED MODIFICATION OF THE REQUIREMENTS OF SECTION 2-414 REQUIRING A 200-FOOT SETBACK FROM AN INTERSTATE HIGHWAY AND TO ALLOW THE PARKING STRUCTURE, BUT NOT THE MULTI-FAMILY BUILDINGS, IN SECTION THREE OF LAUREL HIGHLANDS TO BE WITHIN 200 FEET OF INTERSTATE 95.

Commissioner Hart seconded the motion which carried by a vote of 10-1 with Commissioner Harsel opposed; Commissioner Hopkins absent from the meeting.

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S07-CW-4CP – STREAM PROTECTION – To amend The County-wide Policy Element of the Comprehensive Plan for Fairfax County, Virginia to strengthen Plan guidance relating to the protection and restoration of streams and associated buffers in headwaters areas of streams (e.g., areas upstream of Resource Protection Areas and floodplains). Various options for strengthening this Plan guidance may be considered, including but not limited to: (1) an expansion of the Environmental Quality Corridor policy and (2) incorporation of general policy support for the protection and restoration of streams and associated buffer areas through general policy guidance under the stream protection objective in the Environment section of the Plan. PUBLIC HEARING.

Noel Kaplan, Senior Environmental Planner, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He explained that two options had been advertised; Option 1, a general policy approach, and Option 2, expansion of the environmental quality corridor (EQC) policy. He said staff recommended Option 1 because general policy guidance would afford greater flexibility for negotiation of buffer area boundaries on a case-by-case basis during the zoning process.

Commissioner Alcorn announced that he would defer the decision only on the application after the close of the public hearing.

In response to a question from Commissioner Lawrence, Mr. Kaplan said that although the word "headwaters" had been used in Option 2, qualified with a definition, it had not been used in Option 1 since it was a generic description of upper reaches of streams and not a scientifically defined term. He said Option 1 discussed protecting stream channels and associated vegetative riparian buffer areas along stream channels upstream of resource protection areas (RPA) and EQC, which had the same intent as "headwaters."

Responding to a question from Commissioner Hart, Mr. Kaplan said although the resolution adopted by the Environmental Quality Advisory Council (EQAC) recognized the need for flexibility in headwaters areas, it indicated that more clear-cut delineation guidelines were desirable to define what buffers in headwaters areas would look like. Mr. Kaplan said staff desired to maintain flexibility because in some cases, Area Plan text had general language that could be used to negotiate various levels of protection in headwaters areas. He said if the amendment was too rigid in defining the extent of buffers, opportunities could be lost. He explained that he had some ideas how to introduce more specificity into the language without encountering these difficulties and offered to discuss them with the Planning Commission. (A copy of the EQAC resolution is in the date file.)

Answering another question from Commissioner Hart, Mr. Kaplan noted that EQAC's recommendation was a hybrid between Options 1 and 2 and the Planning Commission could also recommend an alternative to the options represented.

Answering a question from Commissioner Sargeant, Mr. Kaplan said he believed there was enough flexibility in both options to allow the application of scientific data; for example, that buffers should be a minimum of 35-100 feet in width to sustain long-term protection of aquatic resources.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Michael Rolband, 6285 Clifton Road, Clifton, pointed out that the U. S. Army Corps of Engineers had defined "headwaters" as a stream with an average annual flow of less than five cubic feet per second. He expressed support for Option 1 because it provided flexibility and encouraged stream restoration. He said the EQC policy had created a tremendous park and trail

system in Fairfax County that was unequaled in other jurisdictions. Mr. Rolband pointed out that homeowners would be responsible for stream protection since 80 to 90 percent of the County was built-out.

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Chairman Murphy relinquished the Chair to Secretary Harsel.

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Robin Rentsch, 718 Springvale Road, Great Falls, Great Falls Citizens Association, said the Citizens Association supported Option 1. She noted that headwaters were not well understood by the average resident and public education would result in less opposition to the amendment.

Stella Koch, 1056 Manning Street, Great Falls, Chair, EQAC, said EQAC preferred a hybrid of Options 1 and 2, as indicated in its resolution, because it would provide general guidance in the Comprehensive Plan supporting the protection of intermittent and ephemeral streams without affecting the current EQC policy.

In response to a question from Commissioner Lawrence, Ms. Koch said that any given watershed would have a degree of "sacrificial sub-sheds," but pointed out that since the County was over 90 percent built out, many had already been sacrificed. She said *The Eight Tools of Watershed Protection*, published by the Center for Watershed Protection, listed the measures used to protect streams in order of importance. She said the first three were good land use policies, land use conservation, and stream buffers. Commissioner Lawrence commented that it would be helpful to know which streams could be sacrificed with the least impact since this was an issue that often arose in infill development.

Frank Crandall, 900 Turkey Run Road, McLean, McLean Citizens Association, said Option 1 would allow for flexibility and negotiation while Option 2 would lead to better definitions for stream protection. Therefore, he recommended a combination of both options.

Mr. Kaplan responded to questions from Commissioners Sargeant and Flanagan, respectively, about including a reference to scientific studies in the recommendation, and the impact the proposed amendment would have on Little Hunting Creek.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Secretary Harsel closed the public hearing and recognized Commissioner Alcorn for action on this item. (A verbatim transcript is in the date file.)

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON THE PROPOSED COMPREHENSIVE PLAN AMENDMENT RELATING TO STREAM PROTECTION, S07-CW-4CP, TO A DATE OF FEBRUARY 13, 2008, WITH THE RECORD REMAINING OPEN.

Commissioners Hall and Hart seconded the motion which carried unanimously with Commissioners Lusk and Murphy not present for the vote; Commissioner Hopkins absent from the meeting.

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Vice Chairman Alcorn assumed the Chair and adjourned the meeting.

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The meeting was adjourned at 9:32 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

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 Phillips

Approved: July 8, 2009

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Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission