MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JANUARY 21, 2010

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

ABSENT: Suzanne F. Harsel, Braddock District
Kenneth A. Lawrence, Providence District

//

The meeting was called to order at 8:29 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.

//

COMMISSION MATTERS

Commissioner Alcorn noted that last night, the Planning Commission's Tysons Corner Committee had met 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. He said a link to the video recording of this briefing would soon be posted on the Committee Web page at http://www.fairfaxcounty.gov/planning/tysonscorner.htm. Commissioner Alcorn announced that the Committee would meet again on Wednesday, January 27, 2010, at 7 p.m., in Conference Rooms 4/5 of the Government Center, and on Thursday, February 11, 2010, at 7 p.m., in Conference Rooms 2/3 of the Government Center, to listen to citizens' comments and suggestions on the proposed language. He encouraged anyone interested in speaking at one of these meetings to sign up on the Planning Commission Web site at http://www.fairfaxcounty.gov/planning/speaker.htm, or call the Commission Office at 703-324-2865, prior to 3:00 p.m. on the day of the meeting. He noted that speakers would be allowed up to five minutes on either date.

//

Commissioner Hall noted that the Planning Commission's Policy and Procedures Committee had met earlier this evening to review a change in the Fairfax County Public Schools' policy on telecommunications facilities at middle schools. She announced that the Committee would meet

again on Thursday, February 25, 2010, at 7:30 p.m., in the Board Conference Room of the Government Center, to discuss the Zoning Ordinance Work Program for 2010. She said everyone was invited to attend this meeting.

//

Commissioner Hart announced that the Planning Commission's Environment Committee would meet on Thursday, January 28, 2010, at 7 p.m., in the Board Conference Room of the Government Center, to receive a staff briefing on Green Building Policy and schedule a date for another meeting with staff to discuss the comments received at the proposed Environmental Quality Corridors Policy Plan Amendment workshop that was held on Wednesday, January 6, 2010. He said everyone was welcome to attend this meeting.

//

Chairman Murphy requested that Commissioners submit their 2010 Preference Form for Planning Commission Committees to Barbara Lippa, Executive Director, no later than Thursday, January 28, 2010.

//

Chairman Murphy commended the members of the United States Armed Services, who had been deployed to Haiti to aid in rescue and recovery operations following the earthquake that had occurred near the capital of Port-au-Prince on Tuesday, January 12, 2010. He also recognized the members of Virginia Task Force 1 (VATF-1), Fairfax County's Urban Search and Rescue Team, Fire and Rescue Department, who had rescued 16 people in Haiti so far.

//

<u>FSA-Y96-71-1 – VERIZON WIRELESS, 3799 Lees Corner Road</u>
<u>FS-Y09-156 – CLEARWIRE, utility right-of-way near Bay Valley Lane & Rock Canyon Drive</u>

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF ON FSA-Y96-71-1, WHICH IS THE REPLACEMENT OF THREE EXISTING 51-INCH ANTENNAS WITH THREE 71-INCH ANTENNAS ON AN EXISTING CELL TOWER AT 3799 LEES CORNER ROAD. He also MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF ON FS-Y09-156, WHICH IS THE ADDITION OF THREE PANEL ANTENNAS AND A DISH ANTENNA ON TOP OF A 143-FOOT DOMINION RESOURCES POWER LINE TOWER NEAR THE INTERSECTION OF BAY VALLEY LANE AND ROCK CANYON DRIVE.

Commissioner Flanagan seconded the motions which carried by a vote of 9-0-1 with Commissioner Sargeant abstaining; Commissioners Harsel and Lawrence absent from the meeting.

//

FS-H09-115 – CLEARWIRE, 2455 Fox Mill Road (Stratton Woods Park)

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION OF THE DEPARTMENT OF PLANNING AND ZONING THAT THE TELECOMMUNICATIONS FACILITY BY CLEARWIRE AT STRATTON WOODS PARK, IS IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A "FEATURE SHOWN" PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Litzenberger seconded the motion which carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

//

FS-H09-159 – CLEARWIRE, 11500 Fairway Drive
FS-S09-166 – CLEARWIRE, 11209 Fairfax Station Road
FS-S09-168 – CLEARWIRE, 4641 West Ox Road

Chairman Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE FOLLOWING THREE CONSENT AGENDA ITEMS BY CLEARWIRE: FS-H09-159, LOCATED AT 11500 FAIRWAY DRIVE; FS-S09-166, LOCATED AT 11209 FAIRFAX STATION ROAD; AND FS-S09-168, LOCATED AT 4641 WEST OX ROAD.

Without objection, the motion carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

//

ORDER OF THE AGENDA

In the absence of Secretary Harsel, Chairman Murphy established the following order of the agenda:

1. ZONING ORDINANCE AMENDMENT (LIMITATIONS ON YARDS THAT ABUT OUTLOTS THAT ARE CONTIGUOUS TO STREETS)
2. SEA 85-L-022-03 – PUBLIC BROADCASTING SERVICE (Mason District)
3. SEA 87-D-025 – VINSON HALL CORPORATION
4. SEA 85-D-033-02 – METROPOLITAN WASHINGTON AIRPORTS AUTHORITY AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (Decision Only)

This order was accepted without objection.

//

ZONING ORDINANCE AMENDMENT (LIMITATIONS ON YARDS THAT ABUT OUTLOTS THAT ARE CONTIGUOUS TO STREETS) – To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: Provide a new Section 2-423, that places specific limitations on yards on lots that abut outlots that are contiguous to streets by requiring that the minimum distance between the principal structure on the building lot and the front street line on the outlot must be equal to or greater than the minimum required front yard of the district in which the building lot is located. In addition, the minimum yard dimension of the building lot that is abutting the outlot shall be equal to or greater than the applicable required yard for the district in which the building lot is located. An outlot shall be any lot, except as provided for under Sect. 2-405 of the Zoning Ordinance, that does not comply with the minimum lot width, lot area and/or shape factor requirements of the district in which located; or does not comply with the frontage provisions of the Subdivision Ordinance. The Board may modify this requirement in conjunction with the approval of a rezoning or special exception when it is determined that such modification will have minimal adverse impacts on adjacent properties. COUNTYWIDE. PUBLIC HEARING.

Jack Reale, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the proposed Zoning Ordinance Amendment.

In response to a question from Commissioner Hart, Mr. Reale said this amendment would not be applicable in situations where a building lot abutted two parallel outlots, one of which was contiguous to a street.

Commissioner Hart expressed concern that an engineer could avoid the requirement imposed by this amendment by creating another outlot, which would in effect allow the placement of houses too close to the street. Lorrie Kirst, ZAD, DPZ, noted that staff had discussed this possibility.

Commissioner Sargeant said he thought that Commissioner Hart's concern was legitimate, but pointed out that the adoption of this amendment would establish a way to identify this issue in future cases. Commissioner Hart suggested that staff monitor the frequency of these situations at the rezoning level.

Chairman Murphy called for speakers from the audience, but received no response. 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 Sargeant for action on this item. (A verbatim excerpt is in the date file.)

//

ZONING ORDINANCE AMENDMENT (LIMITATIONS ON YARDS THAT ABUT OUTLOTS THAT ARE CONTIGUOUS TO STREETS) January 21, 2010

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT ADOPT THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING LIMITATIONS ON YARDS THAT ABUT OUTLOTS THAT ARE CONTIGUOUS TO STREETS, AS SET FORTH IN THE STAFF REPORT DATED DECEMBER 7, 2009, WHICH INCLUDES A RECOMMENDATION THAT THE FOLLOWING BE GRANDFATHERED FROM THE PROPOSED AMENDMENT:

1) LOTS THAT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS AMENDMENT, PROVIDED THAT SUCH LOTS ARE LOCATED IN A COUNTY-APPROVED SUBDIVISION, OR ARE VALIDATED UNDER SECTIONS 01-1-12, 101-1-13, OR 101-1-14 OF THE SUBDIVISION ORDINANCE.

2) ALL SPECIAL PERMITS, SPECIAL EXCEPTIONS, AND PROFFERED REZONING APPLICATIONS AND AMENDMENTS THERETO THAT CONTAIN OUTLOTS THAT ABUT A STREET, WHEN APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS AMENDMENT.

3) ALL PRELIMINARY SUBDIVISION PLANS SUBMITTED ON OR BEFORE THE EFFECTIVE DATE OF THE AMENDMENT, PROVIDED THAT THE PRELIMINARY PLAN IS APPROVED WITHIN 12 MONTHS OF THE EFFECTIVE DATE OF THE AMENDMENT, AND THE SUBDIVISION PLAT IS RECORDED WITHIN 24 MONTHS OF THE EFFECTIVE DATE OF THE AMENDMENT.

4) ALL SITE PLANS SUBMITTED ON OR BEFORE THE EFFECTIVE DATE OF THE AMENDMENT, PROVIDED THAT THE SITE PLAN IS APPROVED WITHIN 12 MONTHS OF THE EFFECTIVE DATE OF THE AMENDMENT, AND THE SITE PLAN REMAINS VALID.

Commissioners de la Fe and Flanagan seconded the motion which carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

//

SEA 85-L-022-03 – PUBLIC BROADCASTING SERVICE – Appl. under Sect. 5-504 of the Zoning Ordinance to amend SE 85-L-022 previously approved for microwave facilities and satellite earth station to permit building addition and associated modifications to site design and development conditions. Located at 6455 Stephenson Way on approx. 4.31 ac. of land zoned I-5. Tax Map 81-1 ((9)) A. MASON DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated June 5, 2009. There were no disclosures by Commission members.

Commissioner Hall 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 Hall for action on this case. (A verbatim excerpt is in the date file.)

//

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 85-L-022-03, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 11, 2010, WITH THE FOLLOWING TEXT ADDED TO CONDITION 8: "ROOFTOP SCREENING MAY BE PROVIDED."

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT AND A WAIVER OF THE BARRIER REQUIREMENT ALONG THE SOUTHERN BOUNDARY, IN FAVOR OF THAT SHOWN ON THE SEA PLAT.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE LOADING SPACE REQUIREMENT.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

//

SEA 87-D-025 – VINSON HALL CORPORATION – Appl. under Sect. 3-204 of the Zoning Ordinance to amend SE 87-D-025 previously approved for an independent living facility to permit building additions and associated modifications to site design and development conditions. Located at 6251 Old Dominion Dr. on approx. 17.18 ac. of land zoned R-2. Tax Map 31-3 ((1)) 77A and 83. DRANESVILLE DISTRICT. PUBLIC HEARING.

Greg Riegle, Esquire, with McGuire Woods LLP, reaffirmed the affidavit dated December 16, 2009. There were no disclosures by Commission members.

Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Riegle explained that the proposed development would enable the Vinson Hall Retirement Community (VHRC) to provide the level of elder care and types of housing, facilities, and amenities required for current and future residents. He described the uses on the surrounding properties and said the development would be compatible. Mr. Riegle noted that the independent living building would be located in an already disturbed area in the northern portion of the site adjacent to commercial and other institutional uses and farthest away from the abutting residential uses. He stated that trees had been a central element to the site design and a number of trees were proposed to be saved. He indicated that the applicant agreed with the proposed development conditions. He explained that given the fact that the Leadership in Energy and Environmental Design (LEED) program did not yet address elderly housing uses, the applicant had committed in Development Condition Number 15 to provide appliances, fixtures, systems, and building components that were ENERGY STAR qualified. Mr. Riegle then asked Admiral Kathleen Martin to provide additional remarks.

Admiral Martin commented on the integral role the VHRC had played in the McLean community for over 40 years. She reported that a recent research survey had indicated a growing demand for large two-bedroom apartments of 1,270 square feet or greater. She explained that a thorough architectural review of the existing facility had determined that it would be very difficult and costly to add additional apartments to meet the increased need for senior housing. Admiral Martin said all possible building options had been considered to ensure that the VHRC remained beautiful and inviting, continued to be a good neighbor and in harmony with the surrounding community, and preserved as much of the environment as possible. She noted that numerous planning meetings had been held with the VHRC residents, VHRC Board members, Franklin Park neighbors, and others. She said the applicant believed that the most optimal location for the proposed development would be near the Kirby Road frontage so that this portion of the site could be enhanced with a new building, trees, and gardens. Admiral Martin pointed out that the signature 48-inch diameter oak tree would be the centerpiece of the campus and would greet the residents and guests as they entered the property from Kirby Road.

In response to questions from Commissioner Donahue, Mr. Riegle explained that the applicant's and County's arborists had carefully inspected the 48-inch oak tree located near the main entrance to the proposed development, and Zimar & Associates, Inc., the applicant's arborist, had determined that there was a 90 percent chance that the tree would be preserved. He said development condition language had been carefully crafted to address all the necessary steps to ensure that preservation. Mr. Riegle noted that the current unit count in the VHRC was below the approved limit of 276 units. He explained that the height and architecture of the new building would essentially match the existing facility. He said the VHRC currently provided transportation services for its residents and residents generally did not commute during peak rush

hour. Mr. Riegle stated that there were no current or future plans for any further expansion beyond the current proposal.

Responding to a question from Commissioner Flanagan, Mr. Riegle said the applicant was confident that the oak tree would be preserved and in the small chance that it did not survive, there was a carefully crafted plan to replace the tree cover.

In reply to a question from Commissioner Sargeant, Mr. Riegle said he would verify whether the proposed underground retention facility would be subject to a maintenance agreement and answer during his rebuttal.

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

Elizabeth Lodal, 1651 Quail Hollow Court, McLean, member of the Vinson Hall Corporation Board of Directors, expressed strong support for the proposed expansion. She said she believed that the VHRC residents would be good neighbors and involved citizens and the proposal would not contribute to the traffic in the community, especially at rush hour. (A copy of her remarks is in the date file.)

Karl Fontenot, 6251 Old Dominion Drive, McLean, resident of VHRC, commented on Vinson Hall's excellent bus service.

Andrew Mansinne, Jr., 6251 Old Dominion Drive, McLean, resident of VHRC, spoke in support of the proposed development because it would be in harmony with the neighboring community. He noted that the final design reflected the combined efforts and input of the applicant's architectural firm, VHRC residents, DPZ staff, and the McLean and Franklin Area Citizens Associations. He said he also supported the extensive landscape and tree preservation plans.

Steve DelBianco, 1920 Virginia Avenue, McLean, Vice President of the Franklin Area Citizens Association (FACA), said that although the applicant had addressed many of FACA's concerns regarding the building height, design, landscaping, and screening, one outstanding concern remained regarding future expansion plans. He noted that during the 2008 North County Area Plans Review (APR) cycle, the applicant had filed a nomination to amend the Comprehensive Plan that would allow the facility to expand by 100 units, but the applicant had withdrawn the nomination. He reported that the applicant's withdrawal letter had stated that "The withdrawal should not be construed as meaning that Vinson Hall would not elect to evaluate future need for a Plan Amendment." Mr. DelBianco explained that FACA had requested that the applicant enter into an enforceable agreement with FACA or a covenant that ran with the land that specified that no further development would occur on the property without the consent of FACA, but the applicant had refused and staff had insisted that this was not feasible. He indicated that Admiral Martin had sent FACA a letter dated January 20, 2010, which stated that "the collective leadership of Vinson Hall Corporation has no current or future plans for any further expansion" and "there are simply no plans for further expansion." Mr. DelBianco then presented the following two questions:

1) Would Admiral Martin's letter become part of the permanent public record for the subject site, and would it be readily available for future members of the Planning Commission, Board of Supervisors, citizens associations, and the community at-large in the event that the current plans had changed?
2) Would the Commission confirm that the statement in Admiral Martin's letter, "the County is only willing to amend the Comprehensive Plan to reflect significant changes in area wide land use and not simply the narrow desires of an individual landowner," accurately reflected the County's intentions regarding Plan amendments?

Mr. DelBianco said FACA sought the Commission's assurance that this application was the last expansion that would be approved for the subject site. (A copy of the letter is in the date file.)

Chairman Murphy pointed out to Mr. DelBianco that the duty of the Planning Commission was to consider the current application only. He said if the applicant decided to file another Plan amendment or Special Exception Amendment (SEA) application, it would also be subject to the public hearing process.

Commissioner Hall said she was puzzled by Mr. DelBianco's statement because he was essentially asking the applicant to give up their rights to participate in land use development in Fairfax County and she did not think this would be fair. She said the Commission could only consider the proposal before it at the moment, and any future applications to expand would be subject to the Comprehensive Plan review process. Commissioner Hall explained that it was the applicant's right to come forward with future applications, and the community should not be able to take away this right any more than the applicant should be able to tell its neighbors what they could or could not do with their community or home.

Commissioner Hart stated that the Commission was tasked with evaluating the impacts of the SE or SEA proposal before it at the time and determining whether the development conditions would appropriately mitigate the impacts from that requested use. He said that, in his opinion, a restriction on future land use applications would be outside the scope of the Commission's statutory authority. Commissioner Hart pointed out that if development condition language prohibiting further growth was imposed, the applicant could simply apply for another SEA to amend that condition. He said he did not think the Planning Commission would necessarily want to prevent future Commissions, Boards, or citizens from evaluating requests at the time they were filed.

Chairman Murphy pointed out that residents over the age of 60 were now Fairfax County's fastest growing demographic, and the County needed facilities to house them. He said he did not agree with Mr. DelBianco's suggestion to limit the applicant's rights to participate in land use activity in the County, noting that the applicant would not limit his rights as a property owner.

Mr. DelBianco commented that the County should provide elderly housing in appropriate areas that had comparable densities and floor area ratios (FAR) and not on a site that was bordered on two sides by an R-2 residential district. Chairman Murphy said he disagreed with this statement because an independent living facility was considered a residential use.

Replying to questions from Commissioner Flanagan, Mr. DelBianco said he was not aware of any incidences where the applicant had asked FACA to forgo its consolidation or development rights. He commented that the County should not require anything less than what had been imposed by the development conditions in the SE application previously approved for the subject site. Mr. DelBianco explained that if the applicant entered into the requested enforceable agreement with FACA, FACA would support the application provided that certain conditions were imposed on the applicant only and not on the community.

Mr. DelBianco asked whether Admiral Martin's letter would be made part of the permanent public record so that it would be available to future members of FACA and the Planning Commission. Chairman Murphy said all letters submitted to the Commission were made part of the public record. Commissioner Donahue noted that each Commissioner had received a copy of Admiral Martin's letter and it would be included in the permanent files of the Commission. Chairman Murphy pointed out, however, that if any future applications for the subject property were submitted, the Commission would vote only on the given application and not the letter because it was not a binding document.

Commissioner Sargeant commented that the Commission did not have the authority to prevent anyone from filing applications for proposed land use changes. He explained that proposals would be discussed and reviewed during the public participation process.

Commissioner Hall said she thought that the applicant probably worked diligently on this application to ensure that it addressed their needs for the immediate future because the process was very expensive and time-consuming and it would not make sense for the applicant to apply for another expansion any time soon. She commented that Admiral Martin's letter should not be accepted as a binding agreement.

Steve Loftus, 6251 Old Dominion Drive, McLean, Chairman of the Board of Trustees for the Navy Marine Coast Guard Residence Foundation at Vinson Hall, asked members of the audience who were on his Board of Trustees or the Vinson Hall Corporation Board, staff, and residents of VHRC to raise their hands and be recognized. He said he supported the proposal because it would address the need for senior housing in the Northern Virginia area. He also discussed the recently approved expansion of the criteria for those who could reside at VHRC.

Mark Zetts, 6640 Kirby Court, Falls Church, representing the McLean Citizens Association (MCA), noted that the applicant had worked with MCA to address some of their concerns regarding the size and height of the expansion. He said, however, that MCA was still concerned with the proposed development because it would be incompatible with the adjacent low-density residential community and have an adverse visual impact on the neighbors. He indicated that MCA had passed a resolution on November 4, 2009, asking that the applicant meet certain conditions but they were not met. (A copy of the resolution is in the date file.) He explained that MCA had requested that the applicant enter into an enforceable agreement with MCA and FACA to guarantee that no further development would occur on the subject property without the consent of MCA and FACA. Mr. Zetts suggested that the Comprehensive Plan language for this property be amended to limit the density at 0.833 FAR, noting that a garage or a maintenance

shed could be built but additional square footage for residential units would be prohibited. He expressed concern that the applicant would seek to renovate or demolish and rebuild the existing independent living building and based on the maximum number of units approved, the applicant could build between 9 and 23 units which would equate to an additional 46,000 to 50,000 square feet, given the preferred size of the units. He also expressed concern that the applicant would pursue an increase in the number of units and because senior housing was deemed a priority in the County, he claimed that any increase would automatically be approved. Mr. Zetts pointed out that the applicant had agreed to plant three to three-and-a-half-inch caliper trees but this was not specified in a development condition. He questioned why Development Condition Number 5 stated that the number of employees on site at any one time would not exceed 105 while the plan indicated that the limit was 91 employees.

In response to a question from Chairman Murphy, Mr. Zetts said MCA opposed the application.

Responding to a question from Commissioner de la Fe, Ms. Lewis noted that the proposed number of units was below the maximum number of units previously approved.

In reply to a question from Commissioner Hart, Ms. Lewis explained that Development Condition Number 21 required that the landscape plan be in substantial conformance with the landscape concept plan as to quantity and quality of the plantings and the minimum planting schedule as shown on the SEA Plat, which also addressed the caliper of trees. Mr. Zetts thanked Ms. Lewis for this clarification.

Replying to questions from Commissioner Flanagan, Ms. Lewis said the Board of Supervisors had not set a FAR limitation on this site when the previous SE had been approved. She explained that the applicant was required to amend the SE and SE Plat to permit building additions and site modifications to the existing building and indicate the proposed 0.83 FAR, although the current application did not request an increase in units.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Riegle.

Addressing Commissioner Sargeant's previous question about the maintenance of the underground retention facility, Mr. Riegle stated that the Waiver #6713-WPFM-001-1 Conditions in Attachment A of the Staff Report Addendum dated January 7, 2010, addressed the requirements of the maintenance agreement. He explained that the subject site had been predominantly planned for institutional use, the Comprehensive Plan had historically recognized the existing facility, and there was no base low density residential use recommendation for this property. He pointed out that the measure of intensity for this type of elderly housing was dwelling units per acre, not FAR which was the means of comparison but not the ultimate driver. Mr. Riegle commended the speakers for their accurate recitation of the progress of this application, noting that the applicant had made revisions, engaged in dialogue with the surrounding community, and addressed issues. He noted that the applicant would be willing to file a Comprehensive Plan amendment if requested by the community. He said the subject application was accompanied by strong development conditions, VHRC had a good institutional

track record, and the applicant had put forth a great deal of effort toward addressing issues of compatibility.

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 Donahue for action on this case. (A verbatim excerpt is in the date file.)

//

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 87-D-025, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 20, 2010.

Commissioners Flanagan, de la Fe, and Sargeant seconded the motion which carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF SECTION 9-306 OF THE ZONING ORDINANCE, TO PERMIT A MAXIMUM BUILDING HEIGHT OF 56 FEET FOR THE PROPOSED INDEPENDENT LIVING FACILITY AND 65 FEET FOR THE EXISTING INDEPENDENT LIVING FACILITY, INSTEAD OF 50 FEET.

Commissioners Sargeant and Flanagan seconded the motion which carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF SECTION 9-306 OF THE ZONING ORDINANCE, TO ALLOW THE ASSISTED LIVING FACILITY UNITS ON THE SITE TO BE OCCUPIED BY RESIDENTS OTHER THAN THOSE MOVING FROM THE INDEPENDENT LIVING FACILITY.

Commissioners Sargeant and Flanagan seconded the motion which carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE COUNTYWIDE TRAILS REQUIREMENT ALONG OLD DOMINION DRIVE AND KIRBY ROAD, TO PERMIT THE EXISTING AND PROPOSED SIDEWALKS, AS DEPICTED ON THE SEA PLAT.

Commissioners Flanagan and Sargeant seconded the motion which carried unanimously with Commissioners Harsel and Lawrence absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF PUBLIC FACILITIES

MANUAL SECTION 6-0303.8, TO PERMIT THE USE OF AN UNDERGROUND DETENTION FACILITY IN A RESIDENTIAL AREA, SUBJECT TO THE DEVELOPMENT CONDITIONS TITLED "WAIVER NUMBER 6713-WPFM-001-1 CONDITIONS," DATED SEPTEMBER 24, 2009, AND CONTAINED IN APPENDIX 8 OF THE STAFF REPORT.

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

//

Chairman Murphy noted that there was one more item on the agenda, which was a decision only in the Dranesville District.

SEA 85-D-033-02 – METROPOLITAN WASHINGTON AIRPORTS AUTHORITY AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (Decision Only) (Public Hearing held on November 19, 2009)

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 85-D-033-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 15, 2010.

Commissioner Lusk seconded the motion.

Commissioner de la Fe MOVED AN AMENDMENT TO COMMISSIONER DONAHUE'S MOTION THAT THE DEVELOPMENT CONDITIONS DATED JANUARY 15, 2010, BE AMENDED, AS SHOWN IN HIS HANDOUTS DISTRIBUTED TO THE COMMISSION THIS EVENING.

Commissioner Hart seconded the motion.

Following a lengthy discussion among Commissioners, staff, and the applicant, Commissioner Alcorn MOVED A SUBSTITUTE MOTION TO COMMISSIONER DE LA FE'S AMENDMENT THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ON SEA 85-D-033-02, TO A DATE CERTAIN OF JANUARY 28, 2010, WITH THE RECORD REMAINING OPEN FOR COMMENTS.

Commissioner Lusk seconded the substitute motion which carried by a vote of 8-1 with Commissioner de la Fe opposed; Commissioner Sargeant recused; Commissioners Harsel and Lawrence absent from the meeting.

//

The meeting was adjourned at 10:57 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, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved on: May 26, 2011

_____

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