

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, FEBRUARY 4, 2009**

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
Kenneth A. Lawrence, Providence District
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

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The meeting was called to order at 8:19 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

On behalf of the Planning Commission, Chairman Murphy congratulated Braddock District Supervisor Sharon Bulova for being elected chair of the Fairfax County Board of Supervisors in a special election on Tuesday, February 3, 2009. He noted that Supervisor Bulova would fill the seat vacated by Gerald Connolly, who had been elected to the U.S. House of Representatives. Chairman Murphy also commended Supervisor Bulova and her opponent, Springfield District Supervisor Pat Herrity, for running effective campaigns.

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Commissioner Alcorn announced that the Planning Commission's Tysons Corner Committee would meet on Thursday, February 5, 2009, at 7:00 p.m., in Conference Rooms 4/5 at the Fairfax County Government Center, to receive background information on the transportation analysis and specific transportation elements regarding the Tysons Corner area.

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Commissioner Litzenberger said he had been contacted by a member of the Loudoun County Planning Commission to ask if the Fairfax County Planning Commission would be interested in meeting to discuss mutual transportation concerns on both sides of the Fairfax County/Loudoun

County line. Chairman Murphy recommended that this joint meeting be coordinated through the Planning Commission's Transportation Committee.

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Commissioner de la Fe noted his intent to defer the public hearing on ST06-III-UP2, Out-of-Turn Plan Amendment (Lake Anne Village Center), scheduled on Wednesday, February 18, 2009, to a date certain of Wednesday, March 11, 2009.

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Commissioner de la Fe noted that a second set of staff reports for the Dulles Corridor Metrorail Project Phase 1 Special Exception and 2232 applications had been distributed to Commissioners this evening.

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Commissioner Hart announced that the Planning Commission's Environment Committee would meet on Thursday, February 26, 2009, at 7:00 p.m., in the Board Conference Room of the Fairfax County Government Center, to discuss its recommendations on riparian buffers.

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Commissioner Lusk noted that the Planning Commission's Redevelopment and Housing Committee would meet jointly with the Fairfax County Redevelopment and Housing Authority (FCRHA) on Wednesday, February 11, 2009, at 7:00 p.m., in the Board Conference Room of the Fairfax County Government Center, to welcome the new Chair of the FCRHA and discuss issues of mutual interest.

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Chairman Murphy announced that there would be no Planning Commission meeting on Thursday, February 5, 2009.

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Chairman Murphy requested that Commissioners submit their 2009 Preference Form for Planning Commission Committees to Barbara Lipka, Executive Director, no later than Wednesday, February 11, 2009.

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ORDER OF THE AGENDA

In the absence of Secretary Harsel, Chairman Murphy noted that there was only one joint public hearing on the agenda:

1. RZ 2008-LE-001 – HILLTOP SAND AND GRAVEL COMPANY, INC. (Lee District)
SEA 2005-LE-027 – HILLTOP SAND AND GRAVEL COMPANY, INC. (Lee District)
RZ 2008-LE-002 – HILLTOP SAND AND GRAVEL COMPANY, INC. (Lee District)
SEA 78-L-074-06 – HILLTOP SAND AND GRAVEL COMPANY, INC. (Lee District)
RZ 2008-MD-003 – HILLTOP SAND AND GRAVEL COMPANY, INC. (Lee and
Mount Vernon Districts)
FDP 2008-MD-003 – HILLTOP SAND AND GRAVEL COMPANY, INC. (Lee and
Mount Vernon Districts)

This order was accepted without objection.

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RZ 2008-LE-001 – HILLTOP SAND AND GRAVEL COMPANY, INC. – Appl. to rezone from I-3 and NR to R-1 and NR to include this land within an existing golf course. Located in the N.E. quadrant of the intersection of Beulah St. and Telegraph Rd. on approx. 0.73 ac. of land. Comp. Plan Rec: Private Recreation with option for residential development. Tax Map 100-1 ((1)) 9 pt. (Concurrent with SEA 2005-LE-027 and associated with RZ 2008-LE-002, SEA 78-L-074-06, RZ 2008-MD-003, and FDP 2008-MD-003.) LEE DISTRICT.

SEA 2005-LE-027 – HILLTOP SAND AND GRAVEL COMPANY, INC. – Appl. under Sect. 3-104 of the Zoning Ordinance to amend SE 2005-LE-027 previously approved for a golf course to permit an increase in land area and modifications to site design and development conditions. Located at 7836, 7928, and 7950 Telegraph Rd. on approx. 82.14 ac. of land zoned R-1 and NR. Tax Map 100-1 ((1)) 9 pt. 17 and 23A pt. (Concurrent with RZ 2008-LE-001 and associated with RZ 2008-LE-002, SEA 78-L-074-06, RZ 2008-MD-003, and FDP 2008-MD-003.) LEE DISTRICT.

RZ 2008-LE-002 – HILLTOP SAND AND GRAVEL COMPANY, INC. – Appl. to rezone from I-3 and NR to R-1 and NR to permit continuation of existing landfill and future recreation facilities. Located N.E. of Beulah St. approx. 1,000 ft. N. of its intersection with Telegraph Rd. on approx. 3.51 ac. of land. Comp. Plan Rec: Private Recreation with option for residential development. Tax Map 100-1 ((1)) 9 pt. (Concurrent with SEA 78-L-074-06 and associated with RZ

RZ 2008-LE-001, SEA 2005-LE-027, RZ 2008-LE-002,
SEA 78-L-074-06, RZ 2008-MD-003, and FDP 2008-MD-003 –
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2008-LE-001, SEA 2005-LE-027, RZ 2008-MD-003, and FDP 2008-
MD-003.) LEE DISTRICT.

SEA 78-L-074-06 – HILLTOP SAND AND GRAVEL COMPANY, INC. – Appl. under Sect. 3-104 of the Zoning Ordinance to amend SE 78-L-074 previously approved for a landfill to permit reduction of land area, continuation of existing landfill, to establish quasi-public recreation facilities in future, and associated modifications to site design and development conditions. Located on the E. side of Beulah St. approx. 1,000 ft. N. of its intersection with Telegraph Rd. on approx. 64.78 ac. of land zoned R-1 and NR. Tax Map 100-1 ((1)) 9 pt. (Concurrent with RZ 2008-LE-002 and associated with RZ 2008-LE-001, SEA 2005-LE-027, RZ 2008-MD-003, and FDP 2008-MD-003.) LEE DISTRICT.

RZ 2008-MD-003/FDP 2008-MD-003 – HILLTOP SAND AND GRAVEL COMPANY, INC. – Appls. to rezone from I-3, R-1, and NR to PDC and NR to permit mixed-use development, office, retail, large retail establishment with an overall Floor Area Ratio (FAR) of 0.26, and approval of the conceptual and final development plans. Located in the N.E. quadrant of the intersection of Beulah St. and Telegraph Rd. on approx. 33.0 ac. of land. Comp. Plan Rec: Private Recreation with option for mixed-use development. Tax Map 100-1 ((1)) 9 pt., 11A, 11A1, 14, and 15. (Associated with RZ 2008-LE-001, SEA 2005-LE-027, RZ 2008-LE-002, and SEA 78-L-074-06.) LEE & MOUNT VERNON DISTRICTS. JOINT PUBLIC HEARING.

Commissioner Sargeant disclosed that as an employee of Virginia Dominion Power, he would recuse himself from this public hearing since the applicant and Dominion were in discussions regarding a transmission tower on the subject property.

Lynne Strobel, Esquire, with Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavits dated January 9, 2009. Commissioner Hart also disclosed that his law firm, Hart & Horan, PC, had two pending cases with Ms. Strobel's law firm but indicated that there was no financial relationship and it would not affect his ability to participate in this case.

Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff reports, copies of which are in the date file. She noted that staff recommended approval of the applications.

In response to a question from Commissioner Flanagan, Ms. Lewis indicated on a drawing the Mount Vernon District portion of the site.

Ms. Strobel stated that approval of the applications would implement the adopted Comprehensive Plan language. She delivered a presentation on the proposed development, showing the location of the property, layout of the uses, and landscaping along Beulah Street. Ms. Strobel noted that the applicant had proffered a Wegmans grocery store. (A copy of the presentation is in the date file.) She said the applicant had met with the residents of all the communities along Beulah Street and Telegraph Road. She noted that the Lee District Land Use Committee had recommended approval of the applications and the Mount Vernon Council's Planning and Zoning Committee had recommended not to oppose them. Ms. Strobel proposed that on page 4, under Proffer 3d, Transportation, "proffers 4b and 4c" be changed to "proffers 3b and 3c." She reviewed the following revisions to the proffers:

- Page 7, Proffer 6e, Landscaping and Open Space – New proffer explaining that the applicant would work with the Landsdowne community and Urban Forest Management to transplant a minimum of 24 existing evergreen trees located on the perimeter of the subject property to the Landsdowne community property.
- Page 8, Proffer 7c, Green Building Practices – Proffer modified to indicate that the applicant would incorporate energy-efficient practices and techniques in the grocery store and all the retail buildings.
- Page 11, Proffers 9i and 9j, Design – Additional proffer language specifying that the architectural character and design of the buildings would be in conformance with the plans.

Ms. Strobel also suggested that on page 11, Proffer 9n, Design, language be added to indicate that the applicant would use its best efforts to incorporate any suggestions from the Base Commander at Fort Belvoir.

Chuck Almquist, Fairfax County Department of Transportation (FCDOT), responded to questions from Commissioner Lusk about proffered roadway improvements and said a Level of Service (LOS) D would be maintained throughout the area, in accordance with the recommendation in the Comprehensive Plan. Ms. Strobel pointed out that the applicant had proffered to contribute \$300,000 to the County to assist with the design of Telegraph Road.

Mr. Almquist also responded to questions from Commissioner Flanagan about the review of the traffic impact analysis by the Virginia Department of Transportation (VDOT) required by Chapter 527 legislation, the LOS, timely completion of roadway improvements, and maintenance of roadway operations during construction.

Ms. Lewis explained to Commissioner Flanagan that the traffic analysis had confirmed that a LOS D would be maintained during the construction of road improvements and occupancy of the freestanding office building and that staff did not believe another analysis was necessary prior to the issuance of a non-residential use permit.

Commissioner Lusk pointed out that the proffers ensured that transportation improvements would be completed before significant occupancy of the project occurred.

RZ 2008-LE-001, SEA 2005-LE-027, RZ 2008-LE-002,
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Responding to a question from Commissioner Hart, Ms. Lewis and Ms. Strobel agreed that notwithstanding a potential change in the identity of the tenant, a change in the use of the grocery store building would require a Proffered Condition Amendment.

In response to questions from Commissioner Hart, Ms. Strobel said the applicant would revise Proffer 9i to clarify that the building materials used for the façade of the grocery store would not include cinder block and that the word "architectural" would be defined. Ms. Strobel explained that Proffer 9m required that the side of the freestanding office building adjacent to Telegraph Road be constructed with fixed windows and without balconies to address Fort Belvoir security standards.

Responding to a question from Commissioner Flanagan, Ms. Lewis explained that since Leadership in Energy and Environmental Design (LEED) standards had not yet been adopted for grocery stores, the applicant had proffered to incorporate energy-efficient practices and techniques. Commissioner Flanagan pointed out that he had received an e-mail dated February 3, 2009, from Rachel Nissley, Customer Service Representative for the U.S. Green Building Council, stating that there were LEED standards for grocery stores, a copy of which is in the date file.

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

Jim Wessels, 7809 Morning Glen Lane, Alexandria, spoke in opposition to the proposed development because it would increase traffic noise and congestion, adversely impact the adjacent residences, and decrease residential property values in the area. He also noted that the applicant had failed to provide sufficient buffer and tree cover along Beulah Street. (A copy of his remarks is in the date file.)

In response to questions from Commissioner Lusk, Ms. Lewis noted that the recreational area would be set back by at least 200 feet from Mr. Wessels' property. She said the existing vegetation along Beulah Street would not be impacted by the development.

Commissioner Lusk pointed out to Mr. Wessels that the County could not regulate traffic noise from the site. He said he would ask the applicant to consider constructing a masonry wall as opposed to a hedge along Beulah Street to better mitigate the noise impact on the adjacent residential properties.

Cynthia Smith, 6713 Catskill Road, Lorton, representing the Newington Civic Association, expressed opposition to the proposed development because it would lower the LOS at the intersection of Newington Road and Telegraph Road to F, violate the Comprehensive Plan due to the absence of a proffer requiring that LOS D be maintained, substantially increase traffic, reduce quality of life, and increase noise. She pointed out that the proffers failed to address pest, odor, and litter control; hours of operations of the grocery store; secondary uses in the Hilltop Village Center; drive-through lanes of the banks; and location and height of the embankment of

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the stormwater management pond. Ms. Smith recommended that the large grocery store building be reduced in size so it did not exceed 25 percent of the principal uses and that the building be constructed with a green roof. She also recommended that the applicant proffer that the proposed athletic and recreational facilities be operational before the existing facilities were closed. She noted that Attachment 1 to her written statement contained a list of uses that should not be permitted on the property. (A copy of her written statement is in the date file.)

Responding to questions from Commissioner Lusk, John Bell, Planning Division, DPZ, stated that the dam height of the stormwater management pond had been reduced from 35 feet to 23 feet and the embankment had been relocated 50 feet from the property line. He noted that the Department of Public Works and Environmental Services would require a dam breach analysis during the site plan review process.

Commissioner Lusk asked that the applicant consider including a green roof in Proffer 7c as an energy-efficient practice.

In response to questions from Commissioner Flanagan, Ms. Smith noted that the applicant had informed the Mount Vernon Council's Planning and Zoning Committee that the grocery store would be the first building constructed and occupied and the remaining retail buildings would be completed based upon market conditions. She said she believed that the Comprehensive Plan language required that another traffic analysis for the grocery store use be conducted once it was operational and prior to further development of the property.

Responding to questions from Commissioner Flanagan, Douglas Kennedy, P.E., Vice President, Director of Transportation Planning, Patton Harris Rust & Associates, stated that the traffic impact study for the mixed-use development had determined that the stacking capacity along Telegraph Road and the weekday vehicle trip generation were adequate based on FCDOT and VDOT standards.

Glenn Ovrevik, 7912 Telegraph Road, Alexandria, President of the Telegraph Road Citizens Association, said he was opposed to the location of the proposed stormwater detention pond and suggested an alternate location. He also suggested that the applicant be required to construct golf hole 8 near Lot 19, as currently approved. (A copy of his remarks is in the date file.)

Alan Boyd, 6603 Winstead Manor Court, Lorton, expressed concerns about the traffic impact on the surrounding area and the fulfillment of the promised recreational facilities. (A copy of his remarks is in the date file.)

Chris Allan, President of the Pioneer Baseball/Softball League, P.O. Box 151311, Alexandria, spoke in support of the proposed recreational facilities.

In response to a question from Commissioner Flanagan, Ms. Lewis noted that the Fairfax County Park Authority (FCPA) had requested a reduction in the number of fields due to safety concerns.

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H. Jay Spiegel, 8778 Thomas J Stockton Parkway, Alexandria, said he believed the County would enforce the provision that the LOS D be maintained before the buildings were permitted to be occupied. He noted that Scott Taber, President of the Winstead Manor Homeowners Association, had sent the Commission a letter dated January 28, 2009, expressing support for the proposed development, a copy of which is in the date file. Mr. Spiegel stated that he anticipated that the County's Lighting Ordinance would address the lighting issues, the proposed berms would mitigate the sound and vision issues, and the proffer requiring fixed windows and prohibiting balconies would adequately address Fort Belvoir security standards. He said he also anticipated that any outstanding issues would be solved before the Board of Supervisors' hearing.

Nathaniel Wilson, Chairman of the Mount Vernon-Lee Chamber of Commerce, 8804-D Pear Tree Village Court, Alexandria, read his letter dated February 4, 2009, in support for the Hilltop Village Center, a copy of which is in the date file.

Nancy-jo Manney, Executive Director of the Greater Springfield Chamber of Commerce, 6434 Brandon Avenue, Suite 3A, Springfield, read her letter dated February 2, 2009, in support for the Hilltop Village Center, a copy of which is in the date file.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Strobel.

In rebuttal, Ms. Strobel addressed the concerns expressed by the speakers regarding traffic noise and the location of the stormwater management pond. Addressing Ms. Smith's suggestion to proffer out certain uses, she said many of the listed uses were secondary uses in a P-District that would only be permitted if shown on an approved development plan; therefore, she said it was unnecessary to proffer out those uses. Ms. Strobel noted that the applicant would consider incorporating more green building options in the proffers. Addressing Mr. Ovrevik's suggestion that the applicant be required to construct golf hole 8 near Lot 19, she explained the applicant's justification for modifying the golf hole as depicted in the plan. She pointed out that the applicant had met with representatives of the Winstead Manor Homeowners Association and had addressed their concerns. Ms. Strobel noted that since the development conditions addressed the operation of the recreational facilities by the FCPA, it was unnecessary to include that in the proffers. She stated that the applicant would not be permitted to make modifications to the site without obtaining Special Exception Amendment approval. She said the proposed uses would benefit Lee District and Fairfax County. Ms. Strobel asked that Mr. Kennedy address the transportation concerns.

Mr. Kennedy explained that the trip rates, nearby intersections, capacities, and the LOS had been evaluated in the traffic analysis. He described the proposed lane improvements on Telegraph Road at Beulah Street, in coordination with VDOT. Mr. Kennedy said the applicant had adequately addressed the traffic issues and pointed out that Telegraph Road had sufficient capacity to accommodate growth plus additional development.

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Responding to questions from Commissioner Hall, Ms. Strobel said the Wegmans building had not been designed yet. She noted that the applicant had proffered to obtain approval of a Comprehensive Sign Plan to allow for a unified design plan to include monument project signs.

In response to a question from Commissioner Hall, Eric Bartles, agent for Wegmans Food Markets Inc., said he would send a photograph showing the architectural concrete block that would be used, to the Planning Commission Office.

Mr. Kennedy responded to questions from Commissioner Flanagan about the LOS at the Telegraph Road/Fairfax County Parkway interchange and signal timing improvements to the corridor.

Chairman Murphy commented that the proposed Wegmans might lessen traffic from the southeastern portion of Fairfax County to the Wegmans stores in Fairfax and Woodbridge. He commented on the successful operation of the Wegmans in Fairfax, which was surrounded on three sides by residential uses. He expressed support for the grocery store because it would address market demand and contribute to the economic soundness of the County. He pointed out that the proposal had been reviewed by County citizens and staff and several traffic analyses had been conducted.

Commissioner Lawrence suggested that the applicant consider setting a modest Transportation Demand Management (TDM) goal for the office use only and implement a simple cycle of measures to determine if the goal had been achieved. He said this commitment would show the community that the applicant was doing everything possible to address the traffic issues and would set a precedent for future development in the area.

Commissioner Alcorn also suggested that the applicant consider the installation of a green roof on the Wegmans building and additional proffer language addressing pest, odor, and litter control. Ms. Strobel said the applicant agreed with these suggestions.

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

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION DEFER THE DECISIONS ON RZ 2008-LE-001, SEA 2005-LE-027, RZ 2008-LE-002, SEA 78-L-074-06, RZ 2008-MD-003, AND FDP 2008-MD-003, TO A DATE CERTAIN OF FEBRUARY 12, 2009, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC CORRESPONDENCE.

RZ 2008-LE-001, SEA 2005-LE-027, RZ 2008-LE-002,
SEA 78-L-074-06, RZ 2008-MD-003, and FDP 2008-MD-003 –
HILLTOP SAND AND GRAVEL COMPANY, INC.

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Commissioners Alcorn, Hall, and Lawrence seconded the motion which carried unanimously; Commissioner Sargeant recused himself; Commissioner Harsel absent from the meeting.

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION, IN CONJUNCTION WITH ITS PERSONNEL AND BUDGET COMMITTEE, GO INTO CLOSED SESSION IMMEDIATELY FOLLOWING THIS MEETING, FOR CONSULTATION WITH THE EXECUTIVE DIRECTOR PERTAINING TO SPECIFIC PERSONNEL AND BUDGET MATTERS RELATED TO COUNTY STAFF, PURSUANT TO *CODE OF VIRGINIA* SECTION 2.2-3711(7).

Commissioner de la Fe seconded the motion which carried unanimously with Commissioner Harsel absent from the meeting.

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The meeting was adjourned at 10:45 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: June 23, 2010

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