

**MINUTES OF  
FAIRFAX COUNTY PLANNING COMMISSION  
WEDNESDAY, FEBRUARY 5, 2014**

PRESENT: Frank A. de la Fe, Hunter Mill District  
James R. Hart, Commissioner At-Large  
Janyce N. Hedetniemi, Commissioner At-Large  
Kenneth A. Lawrence, Providence District  
John L. Litzenberger, Jr., Sully District  
James T. Migliaccio, Lee District  
Peter F. Murphy, Springfield District  
John C. Ulfelder, Dranesville District

ABSENT: Earl L. Flanagan, Mount Vernon District  
Janet R. Hall, Mason District  
Ellen J. Hurley, Braddock District  
Timothy J. Sargeant, Commissioner At-Large

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The meeting was called to order at 8:15 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 de la Fe said that a list of the Planning Commission Committee assignments for 2014 had been distributed to the Commissioners and in lieu of no objections, he MOVED THAT THE PLANNING COMMISSION RATIFY THE COMMITTEE ASSIGNMENTS DISTRIBUTED BY EMAIL PRIOR TO TONIGHT'S MEETING.

Commissioner Lawrence seconded the motion which carried by a vote of 8-0. Commissioners Flanagan, Hall, Hurley, and Sargeant were absent from the meeting.

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Commissioner de la Fe announced that the Planning Commission's Residential Studios Unit Committee would meet on Tuesday, February 11, 2014, in Conference Rooms 4 and 5 of the Fairfax County Government Center. In addition, he MOVED THAT THE PLANNING COMMISSION CONSTITUTE THE RESIDENTIAL STUDIOS UNIT COMMITTEE AND THAT THE COMMISSION ENTERTAIN A MOTION FOR A CHAIRMAN OF THIS COMMITTEE.

Commissioner Hedetniemi made a follow-on motion and MOVED THAT COMMISSIONER SARGEANT CONTINUE TO ACT AS CHAIRMAN OF THE RESIDENTIAL STUDIOS UNIT COMMITTEE.

Commissioners Lawrence and Litzenberger seconded the motion which carried by a vote of 8-0. Commissioners Flanagan, Hall, Hurley, and Sargeant were absent from the meeting.

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FSA-M00-66-1 – SIRIUS XM, 6800 Versar Center

Chairman Murphy MOVED THAT CONSENT AGENDA ITEM, FSA-M00-66-1, BE APPROVED.

The motion carried by a vote of 8-0. Commissioners Flanagan, Hall, Hurley, and Sargeant were absent from the meeting.

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RZ/FDP 2013-SU-010 – CHRISTOPHER LAND, LLC (Decisions Only)

(The public hearing for these applications was held on January 8, 2014. A complete verbatim transcript of the decisions made is in the date file.)

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2013-SU-010, SUBJECT TO THE EXECUTION OF PROFFERS DATED FEBRUARY 5, 2014.

Commissioners de la Fe and Hart seconded the motion which carried by a vote of 7-0-1. Commissioner Ulfelder abstained. Commissioners Flanagan, Hall, Hurley, and Sargeant were absent from the meeting.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2013-SU-010, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 5, 2014.

Commissioner Hart seconded the motion which carried by a vote of 7-0-1. Commissioner Ulfelder abstained. Commissioners Flanagan, Hall, Hurley, and Sargeant were absent from the meeting.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A DEVIATION TO THE TREE PRESERVATION TARGET IN FAVOR OF THE MEASURES SHOWN ON THE PROPOSED PLAN AND AS PROFFERED.

Commissioner Hart seconded the motion which carried by a vote of 7-0-1. Commissioner Ulfelder abstained. Commissioners Flanagan, Hall, Hurley, and Sargeant were absent from the meeting.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE ZONING

ORDINANCE TO ALLOW A PRIVATE STREET TO EXCEED 600 FEET, AS SHOWN ON THE CDP/FDP.

Commissioner Hart seconded the motion which carried by a vote of 7-0-1. Commissioner Ulfelder abstained. Commissioners Flanagan, Hall, Hurley, and Sargeant were absent from the meeting.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO APPROVE A MODIFICATION OF THE PUBLIC FACILITIES MANUAL TO ALLOW CONSTRUCTION OF A CUL-DE-SAC WITH A RADIUS OF 30 FEET, AS SHOWN ON THE CDP/FDP.

Commissioner Hart seconded the motion which carried by a vote of 7-0-1. Commissioner Ulfelder abstained. Commissioners Flanagan, Hall, Hurley, and Sargeant were absent from the meeting.

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO APPROVE A MODIFICATION OF THE PUBLIC FACILITIES MANUAL TO ALLOW CONSTRUCTION OF SIDEWALKS ON ONE SIDE OF THE NORTH-SOUTH SECTION OF THE PRIVATE STREET AND THE EXTENSION OF WALNEY PARK DRIVE, AS SHOWN ON THE CDP/FDP.

Commissioner Hart seconded the motion which carried by a vote of 7-0-1. Commissioner Ulfelder abstained. Commissioners Flanagan, Hall, Hurley, and Sargeant were absent from the meeting.

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ORDER OF THE AGENDA

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

1. CSPA 2009-HM-014 – RESTON HOSPITAL CENTER, LLC

This order was accepted without objection.

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CSPA 2009-HM-014 – RESTON HOSPITAL CENTER, LLC –  
Appl. Appl. under Sect. 12-210 of the Zoning Ordinance to amend the previously approved Comprehensive Sign Plan CSP 2009-HM-014 to permit sign modifications. Located in the N.W. quadrant of the intersection of New Dominion Pkwy. and Town Center Pkwy.

on approx. 22.77 ac. of land zoned PRC. Tax Map 17-1 ((1)) 3H1  
and 15B. HUNTER MILL DISTRICT. PUBLIC HEARING

Mary Ann Tsai, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application CSPA 2009-HM-014, but staff did not support the digital display portion of Sign Number 1 because it would be a distraction to drivers along the Fairfax County Parkway and set a precedent for other businesses to propose similar signage.

A discussion ensued between Commissioner Hart and Ms. Tsai regarding past approvals of other free-standing signs with digital displays depicting wait times for a hospital development, current restrictions in the Zoning Ordinance regarding signs with digital display, and pending items on the Work Program regarding signs with digital displays wherein Ms. Tsai explained the following:

- There was no existing signage comparable to Sign Number 1 installed at other hospital developments;
- The Zoning Ordinance prohibited, under Article 12, the installation of digital messages on signage not included within an approved Comprehensive Sign Plan Amendment; and
- The issue of digital signage was currently listed on the Work Program as an issue of concern.

Referring to page 2 of the memorandum from the Zoning Inspections Branch in Appendix 4 of the staff report, Commissioner de la Fe pointed out that Sign Number 1 was determined to be disruptive to vehicles along the Fairfax County Parkway, pursuant to Section 12-104 of the Zoning Ordinance, which prohibited signs from utilizing flashing or intermittent lights and lights of changing degrees of intensity of color or moving copy. However, he also noted that this prohibition did not apply to digital signage depicting time, weather, or other environmental conditions, provided that the sign did not constitute a public safety or traffic hazard, as determined by the Zoning Administrator. In addition, he indicated that the Zoning Administrator had not assessed this sign or rendered any decisions. A discussion ensued between Commissioner de la Fe and Ms. Tsai regarding the difference between Sign Number 1 and other signs with digital display throughout the County that depicted weather and time wherein Commissioner de la Fe stated there was no significant difference.

Molly Novotny, Agent for the Applicant, Cooley LLP, pointed out the location of the subject property and noted its history, saying that the hospital development opened in 1986, an expansion had been completed in 2010, and a Comprehensive Sign Plan (CSP 2009-HM-014) was adopted in 2011. She indicated that the proposal included minor changes to CSP 2009-HM-014, but acknowledged staff's concern regarding Sign Number 1. She then pointed out the proposed location of Sign Number 1, which was at the intersection of the Fairfax County Parkway and New Dominion Parkway. Ms. Novotny stated that two other signs were included in the proposal, one that would be installed on the recently constructed medical office building and one that would improve way-finding on the site. In addition, she said that the proposal included

two existing signs that had been added to the proposal. Ms. Novotny concurred with remarks from Commissioner de la Fe, stating that the information on the digital portion of Sign Number 1 was not significantly different from other signage throughout the county that utilized digital display to depict weather and time. In addition, she said that the digital text would not change more than once in a fifteen-minute span. She also stated that there were no other hospital developments in the County that utilized signs with digital displays, but noted that other developments, such as churches, utilized such signs. Ms. Novotny added that the digital display would occupy approximately five square feet of Sign Number 1. She referred the Commission to Figure 3 on page 4 of the staff report, which included depictions of the proposed signs. She stated that way-finding was a concern on the site and Sign Number 22 and Sign Number 23 were intended to improve this issue. She then proposed the following changes to the revised set of development conditions:

- Modify Development Condition Number 4 to permit the digital display for Sign Number 1; and
- Add a new Development Condition Number 5 to prohibit the digital display on Sign Number 1 from changing more than once in a 15-minute span and specify that only the numerals on the display were permitted change.

(A copy of the revised development conditions dated February 5, 2014, is in the date file.)

Commissioner Hedetniemi asked what purpose the information depicted on the digital display and why this information was needed. Ms. Novotny explained that similar signage had been installed at other hospital developments outside the County and visitors expressed support for having wait time information.

Answering questions from Commissioner Lawrence, Ms. Novotny said that Sign Number 1 would be visible for vehicles traveling along Fairfax County Parkway. She then indicated that the information depicted on the digital portion of the sign was important for vehicles traveling along this corridor. In addition, Ms. Tsai indicated that the speed limit along the Fairfax County Parkway was 55 miles per hour and this road was subject to traffic congestion during certain times day.

Addressing Commissioner Lawrence's remarks, Commissioner de la Fe confirmed that the speed limit along the Fairfax Count Parkway was 55 miles per hour. He also pointed out that there were a number of traffic signals along this portion of the Fairfax County Parkway, including a signal at the intersection of the Fairfax County Parkway and New Dominion Parkway, which reduced vehicle speeds in this area.

Addressing Commissioner Hedetniemi's remark, Commissioner de la Fe indicated that there was an Inova Urgent Care facility located near the subject property.

When Commissioner Lawrence asked whether any information had been presented to support either staff or the applicant's concern regarding the impact of Sign Number 1, Ms. Novotny said that the Reston Design and Review Board had expressed support for the proposal, but the

applicant had not contacted any transportation specialists at the National Transportation Research Board.

A discussion ensued between Commissioner Lawrence and Brent Krasner, ZED, DPZ, regarding the possibility of adding a development condition that would address staff's concerns if it were determined after Sign Number One's installation that it was causing a noticeable increase in traffic accidents wherein Ms. Novotny indicated that vehicles would rarely see the digital display on the sign change and noted the difficulty of proving that the digital display had caused an increase in traffic accidents.

Commissioner Hart acknowledged the presence of other signs throughout the County that utilized digital displays, but noted that these signs had not been approved by the Planning Commission. He also indicated that an ongoing case in the Fairfax County Court had not yet determined whether the existing signage provisions prescribed in the Zoning Ordinance could be enforced. In addition, he pointed out that there was a residential development located near the site. Commissioner Hart then expressed concern that permitting a sign with a digital display would create a precedent that similar developments would seek to implement. He added that he supported the proposal's provisions to improving way-finding on the subject property, but he did not concur with the applicant's statement that the information presented on the digital display was sufficiently useful to visitors. He also echoed Commissioner Lawrence's concern regarding traffic congestion in the area, saying that the information presented by the digital display could incur additional congestion. Commissioner Hart noted that the current provisions of the Ordinance prohibited digital displays from changing more than two or three times within a 24-hour period.

When Commissioner asked for further clarification for how the information displayed on the digital sign would be useful to visitors, Ms. Novotny explained that this information would provide additional comfort to visitors that they would see a doctor within a certain period of time. She also said that the applicant had coordinated with staff on updating the Zoning Ordinance, but this issue had not yet been addressed by the Work Plan. In addition, she stated that the applicant had designed Sign Number 1 to have a minimal impact and remain consistent with the existing signage on the site. Ms. Novotny also indicated that the information displayed on Sign Number 1 would hold the hospital accountable for providing sufficient service.

Chairman Murphy said that the digital display on Sign Number 1 would not create a sufficient distraction for vehicles along the Fairfax County Parkway because the drivers would rarely see the display change. In addition, he cited other areas of the County that utilized signs with digital displays, such as schools and billboards posted by the Virginia Department of Transportation. He then stated that he did not object to the use of the digital display on Sign Number 1.

In response to questions from Commissioner Migliaccio, Ms. Novotny indicated that the wait time information presented on the digital display for Sign Number 1 would encourage prospective visitors. She then explained that this sign could not be moved farther down New Dominion Parkway because it would place the sign closer to the nearby residential developments. A discussion ensued between Commissioner Migliaccio and Ms. Novotny regarding other ways for the applicant to convey information to visitors and other possible locations for Sign Number 1 wherein Ms. Novotny said that while there were alternative

locations for this sign, the applicant had concluded that the proposed location would provide maximum visibility.

In reply to questions from Commissioner de la Fe, Ms. Novotny confirmed that there was an existing sign at the location for Sign Number 1 and the proposal would permit installing a digital display on this sign.

Chairman Murphy called for speakers, but received no response; therefore, he noted that a rebuttal statement was not necessary. He then called for concluding staff remarks from Ms. Tsai, who declined.

Commissioner de la Fe indicated that he did not concur with staff's conclusion that Sign Number 1 would be a safety concern. He also stated that he did not agree with the applicant's statement that the wait time information presented on this sign would provide visitors with additional comfort, but he acknowledged that some would find this information useful. In addition, Commissioner de la Fe addressed Commissioner Hart's concern regarding setting a precedent for approving a sign with a digital display, stating that the Zoning Ordinance was being evaluated to address this issue and the proposed sign pertained only the provisions of the subject application. He added that other similar signs would be evaluated on a case-by-case basis. Commissioner de la Fe then said that he would include a revision to the development conditions to permit the digital display on Sign Number 1 in his motion.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION APPROVE CSPA 2009-HM-014 SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 5, 2014, AND THE FOLLOWING MODIFICATIONS:

- A REVISION TO DEVELOPMENT CONDITION NUMBER 2 TO DELETE THE LAST SENTENCE WHICH READS, "IRRESPECTIVE OF THAT SHOWN ON THE CSPA, FREESTANDING SIGN NUMBER 1 SHALL NOT CONTAIN AN LED DIGITAL DISPLAY AREA;"
- A REVISION TO DEVELOPMENT CONDITION NUMBER 4 TO REPLACE THE PHRASE, "IRRESPECTIVE OF THAT SHOWN ON THE CSPA" WITH THE FOLLOWING: "WITH THE EXCEPTION OF SIGN 1;"
- THE ADDITION OF A NEW DEVELOPMENT CONDITION NUMVER 5 WHICH WOULD READ AS FOLLOWS: "ON SIGN 1, THE WAIT TIME IS THE ONLY INFORMATION THAT SHALL BE DISPLAYED ELECTRONICALLY AS SHOWN ON PAGE 8 OF THE CSPA. THE ELECTRONIC PORTION OF THE SIGN SHALL BE

UPDATED NO MORE FREQUENTLY THAN ONCE EVERY 15 MINUTES AND ONLY THE NUMERALS SHALL CHANGE;” AND

- A RENUMBERING OF THE REST OF THE DEVELOPMENT CONDITIONS AS REQUIRED.

Commissioner Hedetniemi seconded the motion which carried by a vote of 7-0-1. Commissioner Hart abstained. Commissioners Flanagan, Hall, Hurley, and Sargeant were absent from the meeting.

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The meeting was adjourned at 8:56 p.m.

Peter F. Murphy, Chairman

Janet R. Hall, 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 18, 2014



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John W. Cooper, Clerk to the  
Fairfax County Planning Commission