

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, FEBRUARY 16, 2011**

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
James T. Migliaccio, Lee District
Peter F. Murphy, Jr., Springfield District

ABSENT: Suzanne F. Harsel, Braddock District
Timothy J. Sargeant, Commissioner At-Large

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The meeting was called to order at 8:15 p.m. by Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION DEFER THE JOINT PUBLIC HEARING ON 2232-V08-18 AND SE 2009-MV-006, T-MOBILE NORTHEAST LLC, ST. JAMES EPISCOPAL CHURCH, TO A DATE CERTAIN OF APRIL 14, 2011.

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

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION DEFER THE JOINT PUBLIC HEARING ON PCA 86-W-001-11 AND FDPA 86-W-001-06, JEFFERSON AT FAIRFAX CORNER LLC, TO A DATE CERTAIN OF MARCH 2, 2011.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Harsel and Sargeant absent from the meeting.

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In reference to 2232-P10-10, NewPath Networks, LLC, and New Cingular Wireless PCS, LLC, which was scheduled for decision only on Thursday, February 24, 2011, Commissioner Lawrence explained that he had received a letter earlier today from the applicants' representative requesting an extension to April 30, 2011, to allow time for the applicants to develop an alternate to the proposed Distributed Antenna System, present it to the community for feedback and identify appropriate locations.

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Commissioner Hart announced that the Planning Commission's Environment Committee would meet on Thursday, February 24, 2011, at 7 p.m., in the Board Conference Room, to review the Green Building Policy Review Strawman. He said everyone was welcome to attend this meeting.

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Chairman Murphy noted that the Planning Commission's Telecommunications Committee meeting scheduled for 7 p.m. this evening had been cancelled and was rescheduled to Thursday, March 3, 2011, at 7 p.m., in the Board Conference Room.

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RATIFY THE 2011 COMMITTEE APPOINTMENTS OF THE PLANNING COMMISSION, AS STATED IN THE MEMORANDUM FROM CHAIRMAN MURPHY, DATED FEBRUARY 16, 2011, WITH THE EXCEPTION OF THE OTHER APPOINTMENTS TO THE BOARD OF SUPERVISORS' REVITALIZATION COMMITTEE AND ECONOMIC ADVISORY COMMITTEE, WHICH WOULD BE DETERMINED AT A LATER DATE.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Harsel and Sargeant absent from the meeting.

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FSA-61-1 – AT&T MOBILITY, 6455 Stephenson Way
FS-Y11-6 – AT&T MOBILITY, 13618 McLearen Road (Rachel Carson Middle School)
FSA-68-3 – AT&T MOBILITY, 3800 Powell Lane
FS-M11-1 – AT&T MOBILITY, 4327 Ravensworth Road

Chairman Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE CONSENT AGENDA ITEMS.

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

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FSA-P99-27-3 – AT&T WIRELESS, 1900 Gallows Road

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION FIND THAT FSA-P99-27-3, BY AT&T WIRELESS, LOCATED AT 1900 GALLOWS ROAD, IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN, AND SHOULD BE CONSIDERED A "FEATURE SHOWN" ACCORDING TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Harsel and Sargeant absent from the meeting.

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FSA-P99-20-2 – AT&T WIRELESS, 3351 Gallows Road

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION FIND THAT FSA-P99-20-2 FOR A CO-LOCATION ON A DOMINION ELECTRICAL TRANSMISSION POLE LOCATED AT 3351 GALLOWS ROAD, IS A "FEATURE SHOWN" ON THE COMPREHENSIVE PLAN ACCORDING TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Harsel and Sargeant absent from the meeting.

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FS-P10-45 – CLEARWIRE, 2817 Jermantown Road (Treebrooke Condominiums)

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION IN FS-P10-45, PROPOSED BY CLEARWIRE, LOCATED AT TREEBROOKE CONDOMINIUMS AT 2817 JERMANTOWN ROAD, IS A "FEATURE SHOWN" ON THE COMPREHENSIVE PLAN ACCORDING TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Harsel and Sargeant absent from the meeting.

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FS-S10-73 – LIGHTSQUARED, 12111 Braddock Road (Mott Community Center)

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-S10-73.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Harsel and Sargeant absent from the meeting.

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ORDER OF THE AGENDA

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

1. SEA 84-M-121-03 – WESTMINSTER SCHOOL, INC.
2. ZONING ORDINANCE AMENDMENT (*STATE CODE*, EDITORIAL, AND MINOR REVISIONS)
3. RZ 2010-PR-010 – NEIGHBORHOODS VI, LLC
4. SE 2008-PR-021 – JAMES W. JACKSON (Lord Fairfax Academy)

This order was accepted without objection.

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SEA 84-M-121-03 – WESTMINSTER SCHOOL, INC. – Appl. under Sect. 3-304 of the Zoning Ordinance to amend SE 84-M-121 previously-approved for a private school of general education to permit the addition of a nursery school and childcare center; an increase in enrollment from 318 to 360 children; an increase land area; and modifications to site design and development conditions. Located at 3801, 3811, and 3825 Gallows Road on approx. 6.84 ac. of land zoned R-3. Tax Map 60-3 ((24)) 3, 4, 5, and 5A. MASON DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated August 16, 2010. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had one pending case with Ms. Strobel's firm but indicated that there was no financial relationship and it would not affect his ability to participate in this case.

Miriam Bader, 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 the application.

Ms. Strobel presented a brief background on the subject property. She explained that the applicant sought to add a nursery school or preschool to the existing education program, increase the student enrollment from 318 to 360 students, construct a two-story addition on the south side of the existing building, and enhance the existing recreation facilities. She said the applicant had performed community outreach and held two receptions at the school where attendees had provided positive comments regarding its current operations and proposed plans. She noted that

the Mason District Land Use Committee had recommended approval of the proposal. Ms. Strobel described the benefits of the proposal, noting that the applicant would continue to provide quality education to the students and serve as an asset to the community. She submitted a letter in favor of the application, a copy of which is in the date file.

Chairman Murphy called for speakers from the audience.

Donna Forsman, 7308 Brookcrest Place, Annandale, noted that her property was Lot 3, which was directly adjacent to the proposed location for the preschool. She expressed concern that the proposed preschool addition would exacerbate the severe flooding problems on her and the neighbors' properties.

In response to questions from Commissioner Hall, Ms. Forsman said she had not been aware of the Mason District Land Use Committee meetings. She explained that the school had failed to address her previous complaints about flooding on her property.

Replying to questions from Commissioner Hart, Kristen Abrahamson, ZED, DPZ, noted that the applicant had committed to preserve some of the existing vegetation and supplement it after construction. She said staff had no record of any stormwater complaints in this area. She explained that the applicant was required to meet the standard stormwater management provisions and detain additional stormwater runoff from the property. Ms. Bader pointed out that the Department of Public Works and Environmental Services believed that the proposed roof drain and infiltration trench would capture a lot of the stormwater. Ms. Abrahamson added that the roof drain would channel the water into the existing pipe system and not off-site.

Answering a question from Commissioner Hall, Ms. Abrahamson said staff was not aware of any stormwater problems in this area and there were no environmentally sensitive areas in the vicinity.

Ms. Abrahamson responded to questions from Commissioner Flanagan regarding the preserved and supplemental vegetation areas.

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

Ms. Strobel stated that the applicant had sent over 70 invitations to two community meetings at the school and said she did not know why Ms. Forsman had not received them. She said she believed the nearby civic associations and all the adjacent property owners supported the proposal. She noted that the applicant was not aware of any drainage issues on the site. She explained that the proposed roof drain would direct the stormwater into a closed pipe system, which would not create any issues for the adjacent properties. Ms. Strobel indicated that when the applicant was made aware of a concern it would be addressed as quickly as possible.

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

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 84-M-121-03, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 20, 2011.

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

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS REAFFIRM THE FOLLOWING:

- A MODIFICATION OF THE TRANSITIONAL SCREENING YARD AND BARRIER REQUIREMENTS ALONG THE SOUTHERN, NORTHERN, AND WESTERN BOUNDARIES, IN FAVOR OF THAT DEPICTED ON THE SE PLAT;
- A MODIFICATION OF THE BARRIER REQUIREMENT ALONG ALL SIDES OF THE SUBJECT PROPERTY TO ALLOW THE EXISTING SIX-FOOT-HIGH WOOD FENCE AND OTHER EXISTING FENCES TO SERVE AS BARRIERS; AND
- A WAIVER OF THE REQUIREMENTS THAT USABLE OUTDOOR RECREATION AREA SHALL BE LIMITED TO AREAS OUTSIDE THE LIMITS OF THE REQUIRED FRONT YARD.

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

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ZONING ORDINANCE AMENDMENT (STATE CODE, EDITORIAL AND MINOR REVISIONS) – To amend Chapter 112 (the Zoning Ordinance) of the 1976 Code of the County of Fairfax, as follows: (1) Clarify that pipestem lots are permitted in conjunction with Special Exception approval for waiving minimum lot width requirements; (2) require that the minimum required front yard distance be maintained between the principal structure on the building lot and the street line when there are two or more contiguous outlots located between the building lot and the street; (3) permit chain link fencing as an alternative method of telecommunications cabinet

screening located under bleachers; (4) replace references to 'inoperable vehicle' with 'inoperative vehicle,' and clarify the length of time and number of abandoned, wrecked, or inoperative vehicles that may be stored outdoors; (5) revise the maximum parking rate to 1.05 for hotel/motel uses within one quarter to one half mile of a Metro station entrance for the Planned Tysons Corner Urban District; (6) correct the cross-reference for 'DNL' to read 'Day Night Average Sound Level'; (7) add the abbreviation 'FAR' to the definition of 'Floor Area Ratio'; and (8) revise the 'Group Residential Facility' definition to include up to eight aged, infirm or disabled persons as licensed by the Virginia Department of Social Services in accordance with the *State Code*. COUNTYWIDE. PUBLIC HEARING.

Doug Hansen, Zoning Administration Division, Department of Planning and Zoning, 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.

Chairman Murphy called for speakers from the audience, but received no response. There were no comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Alcorn for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE PROPOSED ZONING ORDINANCE AMENDMENT REGARDING *STATE CODE*, EDITORIAL, AND MINOR REVISIONS, AS PRESENTED IN THE STAFF REPORT DATED NOVEMBER 16, 2010, WITH AN EFFECTIVE DATE OF 12:01 A.M. ON THE DAY FOLLOWING ADOPTION.

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

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RZ 2010-PR-010 – NEIGHBORHOODS, VI, LLC – Appl. to rezone from R-2 to R-5 to permit residential development at a density of 4.84 dwelling units per acre (du/ac). Located on the N.E. side of Blake Lane approx. 300 ft. S.E. of its intersection with Chain Bridge Road on approx. 7.44 ac. of land. Comp. Plan Rec: 2-3 du/ac and 4-5 du/ac. Tax Map 47-2 ((1)) 66, 67A, and 70A. PROVIDENCE DISTRICT. PUBLIC HEARING.

Greg Riegle, Esquire, with McGuireWoods LLP, reaffirmed the affidavit dated January 14, 2011. There were no disclosures by Commission members.

Kelli Goddard-Sobers, 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 the application.

Mr. Riegle stated that the proposed lot configuration, orientation, and types of residential dwelling units were almost indistinguishable from that of the existing neighborhood. He said the applicant would use conventional zoning and not gerrymander the setbacks and lot shapes. Mr. Riegle noted that the applicant had proffered nearly 40 percent of the site as usable open space, landscaped buffers, and architecture comprised of a variety of building materials. He thanked staff and community members for their participation in this project.

Commissioner Lawrence indicated that Commissioners should have received the revised set of proffers dated February 7, 2011, which he said contained minor modifications.

Responding to a question from Commissioner Lawrence, Mr. Riegle confirmed that Proffer Number 4 had been revised to ensure that certain end units would incorporate at least two of the building materials specified in Proffer Number 2 and would be installed on the front of the units.

Chairman Murphy called the first listed speaker.

Margaret Owens, 2949 Paddock Wood Court, Oakton, said she was in favor of the proposed townhouses. She expressed concerns about increased volume and speeding of vehicular traffic along Blake Lane. She suggested that stop signs or speed humps be installed to help slow down the traffic. She also questioned why parking had been removed on one side of the road, noting that parked vehicles helped slow down traffic.

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

Addressing Ms. Owens' concerns about increased traffic and hazardous conditions on Blake Lane, Mr. Riegle explained that the proposed development would generate significantly fewer trips than the previously-approved independent living facility, remove the need for delivery trucks, provide more than ample visitor parking, and prevent parking spillover onto Blake Lane. He added that he did not believe that parking was ever permitted on any side of Blake Lane.

In reply to a question from Commissioner Lawrence, Mr. Riegle described the Transportation Demand Management (TDM) commitment in the proffers.

Answering a question from Commissioner de la Fe, Mr. Riegle explained that the applicant had not proffered traffic-calming measures on Blake Lane due to the lack of community support and associated issues raised by the Virginia Department of Transportation (VDOT). He said the

applicant had proffered a TDM approach instead to help improve traffic in the area.

Mr. Riegler and Kristen Abrahamson, ZED, DPZ, responded to questions from Commissioner Hart regarding the portion labeled "Dedicated for Public Street" on the Oakton East Tax Map Reference Exhibit on page 1 of the staff report.

Replying to questions from Commissioner Flanagan, Mr. Riegler reiterated that there was never parking allowed on Blake Lane and there would be sufficient parking on the subject property to avoid spillover onto Blake Lane. He noted that the applicant had proffered frontage improvements to include curb and gutter and a five-foot wide sidewalk. He said the addition of a six-foot wide parking lane along Blake Lane would require curb adjustments.

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 Lawrence for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2010-PR-010, SUBJECT TO THE EXECUTION OF PROFFERS DATED FEBRUARY 7, 2011.

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

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE EASTERN PROPERTY LINE, IN ACCORDANCE WITH THE LANDSCAPING SHOWN ON THE GENERALIZED DEVELOPMENT PLAN.

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

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENT ALONG THE EASTERN PROPERTY LINE.

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

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE 600-FOOT MAXIMUM LENGTH FOR A PRIVATE STREET.

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

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SE 2008-PR-021 – JAMES W. JACKSON – Appl. under Sect. 3-104 of the Zoning Ordinance to permit a child care center and nursery school with a maximum daily enrollment of up to 150 children. Located at 2701 Chain Bridge Road on approx. 1.29 ac. of land zoned R-1. Tax Map 48-1 ((1)) 50. PROVIDENCE DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated December 6, 2010. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had one pending case with Ms. Strobel's firm and another pending case with the law firm of Stephen K. Fox, PC, listed on the affidavit. He indicated that there was no financial relationship with either firm; therefore, it would not affect his ability to participate in this case.

Kelli Goddard-Sobers, 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 denial of the application because it did not fully address the outstanding design, intensity, and access issues as listed in Addendum III of the staff report.

Ms. Strobel stated that the applicant sought to construct a child care center and nursery school on the subject property. She explained that since the original application had been presented to the Commission on September 9, 2009, the applicant had made considerable modifications to the proposal to address concerns raised by staff, the community, and the Commission, to include the following:

- Significant reductions in the size of the proposed development, resulting in the withdrawal of the previously-proposed rezoning application, RZ 2008-PR-010;
- Construction of a right-turn lane from Route 123 to Sutton Road at considerable cost to the applicant, although the need for this turn lane was generated by existing traffic and not the proposed development;
- Reduction in total enrollment from 200 to 150 children with no more than 120 children present at any one time;
- Relocation of the play areas to minimize noise impacts from Route 123 and impacts on the surrounding community;
- Limitations on the number of children allowed on the playground at one time and the hours of playground use;
- Modification of the site layout to include a berm with fencing and landscaping to ensure visual screen of the development from Route 123 and mitigate noise impacts on the development from Route 123;
- Preparation of a noise study to ensure that the proposed improvements would adequately mitigate noise;

- Modifications to the site layout to move the building, parking, and play area as far from the nearby residential properties as possible;
- Redesign and relocation of the stormwater management facilities, which met all applicable County requirements; and
- Additional proposed traffic improvements and development conditions.

Ms. Strobel noted that she had distributed a chart that identified similarly-sized properties in Fairfax County with child care center and nursery school enrollments similar to what was being proposed by the applicant. She said she thought that the applicant was being treated differently than other previous applicants for such uses. She explained that the site was better suited for the proposed use than many of the existing approved facilities in the following ways:

- Located adjacent to a primary roadway that took access off an arterial road;
- Not located within a residential neighborhood;
- Limited adjacency to residential development;
- Extensive frontage on Route 123; and
- Limited impacts on existing residential communities.

Ms. Strobel pointed out that the site would remain zoned R-1 even though it was planned for three to four dwelling units per acre. She said the proposed floor area ratio was considerably less than what was permitted. She explained that the applicant had addressed the issues identified in the Fairfax County Department of Transportation (FCDOT) memorandum contained in Attachment 4 of the Staff Report Addendum III, noting that the applicant would provide the right-turn lane as requested and a stop bar would be installed to enable the school bus to make a safe turn. Ms. Strobel noted that she had distributed a packet of exhibits that depicted the existing conditions, conceptual rendering, turning movements for passenger cars and the bus, Fairfax County Transportation Plan recommendations for the area, Level of Service (LOS) for the existing conditions and after site build-out, potential ingress from Route 123, proposed transportation improvements, access management, and a plan depicting a residential development proposed for the site in 2006 that had later been withdrawn due to staff opposition. She explained that there was no need to modify the Transportation Plan to allow for future improvements to Sutton Road or its intersection with Route 123 because the LOS after site build-out would remain at "B" and "C" for a.m. and p.m. peak hour traffic respectively. She noted, however, that if Sutton Road were improved, the applicant had submitted a conceptual plan that demonstrated an interparcel access to the adjacent Verizon site. She said access from the site to Route 123 was unacceptable and the proposed access to Sutton Road would be the safest option and would not impact the surrounding area. Ms. Strobel explained that the applicant had proposed numerous development conditions to include staggered arrival and departure times of the children and parking for after-hour activities. She pointed out that the school bus would drop off and pick up children on-site and not on Sutton Road as noted in the staff report. She indicated that the most significant proposed transportation improvements were the right-turn lane and dedication for the planned widening of Route 123 to six lanes. She said the site met the Comprehensive Plan's recommendation for the location of community uses to serve the periphery of the residential neighborhood and the site's access. She questioned how the site might be developed if the proposed use was denied. She said the property could possibly be

acquired by Fairfax County if all reasonable use was to be denied. Ms. Strobel then introduced the applicant, James W. Jackson, who would provide concluding remarks. (Copies of Ms. Strobel's chart and exhibits are in the date file.)

Mr. Jackson claimed that he was being treated unfairly by the County, noting that staff concerns and their decision to recommend denial ignored all the numerous studies and analyses submitted on his behalf. He questioned why his application had been through scrutiny above and beyond that given to other properties and the process had been made more expensive and more complicated for reasons that appear not to be related to land use.

In response to questions from Commissioner Lawrence, Lou Ann Hutchins, FCDOT, confirmed the following statements:

- In designing driveways, the practice was to design for the largest vehicle to be anticipated;
- The proposed driveway would accommodate vehicles picking up and dropping off children, delivery trucks, and trash collection trucks;
- Vehicles travelling along Route 123 would turn onto Sutton Road, enter the proposed right-turn lane to access the service drive, make a u-turn around the median strip, and enter the right-hand lane of the two-way driveway to access the site;
- The trip analysis demonstrated that the majority of the daily trips onto the site would follow the previously-cited path;
- A vehicle entering the driveway would likely meet a vehicle leaving the site in the oncoming lane of the service drive, especially during busy drop-off and pick-up times;
- A total of 39 feet of roadway would be available for vehicles to make the u-turn;
- The turning circle of a vehicle was the amount of space it needed to complete a u-turn, and in this case, if the space available was less than the vehicle's turning circle, the vehicle would encroach into the oncoming lane of the two-way driveway;
- Sport Utility Vehicles, large capacity passenger vans, single unit delivery trucks, and trash collection trucks would not be able to make the u-turn in the space available and would likely encroach into the oncoming lane of the two-way driveway;
- A longer wheel-based vehicle approaching the site entrance might encroach into the Sutton Road southbound through lane and therefore, create a conflict;
- On-site traffic facilities should be designed to minimize the chances of conflict; and
- The site should be accessible in all kinds of weather.

Commissioner Lawrence pointed out that the service drive also served the adjacent Verizon facility. He indicated that Douglas Dale, Manager-Real Estate, Verizon Service Operations, had submitted a letter dated February 16, 2011, expressing opposition to the proposed changes to the traffic pattern and the elimination of points of access from Sutton Road to the service drive. (A copy of the letter is in the date file.)

Replying to a question from Commissioner Hart, Kristen Abrahamson, ZED, DPZ, explained that the vehicular traffic associated with the proposed use would conflict with the Verizon vehicles due to the extremely tight turning radius.

Answering another question from Commissioner Hart, Ms. Hutchins noted that if the proposed use was not approved, Verizon's existing access point would remain in its current configuration. Ms. Strobel pointed out that she was not aware of Verizon's opposition to the proposal. Commissioner Hart said the Commission had received Mr. Dale's letter earlier this evening.

Responding to questions from Commissioner Litzenberger, Ms. Strobel explained that parents would park and walk their children into the building and leave during staggered arrival and departure times over a two-hour period, noting that many of the children would arrive by carpool. She indicated that 25 parking spaces and 15 stacking spaces would be provided to accommodate a total of 40 vehicles. Ms. Strobel said she did not believe that vehicles would stack from the parking lot out onto Sutton Road or Route 123, noting that the applicant had agreed to development conditions to prevent this from occurring. She indicated that the length of the median strip was 450 linear feet.

In reply to questions from Commissioner Hall, Robin Antonucci, Principal with Wells + Associates, indicated that the service drive, located within a Virginia Department of Transportation (VDOT) right-of-way, served the Verizon and Washington Gas facilities. She explained that because the applicant had agreed to close one of the two service drive entrances on Sutton Road that was located closest to Route 123 at the request of VDOT, the service drive would need to be extended onto the site. Ms. Antonucci said a waiver of the throat distance would likely be required in accordance with VDOT's new Access Management Standards. She noted that although Sutton Road was envisioned by the Comprehensive Plan to be improved to only a standard two-lane road, the applicant had provided 73 feet of right-of-way on Sutton Road, which was sufficient to accommodate half of a six-lane, median-divided road. She said she did not understand why staff's denial was predicated on what would happen if Sutton Road was changed on the Plan since there was no compelling need for this change.

In response to questions from Commissioner Flanagan, Ms. Strobel said the alternate layout depicting access from Route 123, included in Staff Report Addendum III, was intended to be illustrative and she did not think that it would be supported by VDOT or FCDOT. She pointed out that Cheriton Court, located close to Route 123, had been previously-approved by the County as part of a rezoning application.

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

Jeffrey Hallett, 2602 Powder Mill Lane, Vienna, noted that he was representing himself and 24 of the 29 residents of the Oakton Grove community. He said he and his neighbors strongly opposed the proposed development because it would exacerbate traffic congestion and cause dangerous traffic conditions in the area; worsen air quality; create an adverse economic impact due to time lost sitting in traffic; and reduce the quality of life of the residents. (A copy of Mr. Hallett's remarks is in the date file.)

Robert Hunter, 9722 Hidden Valley Road, Vienna, voiced his objection to the application because it would lower the quality of life of the residents; not be in harmony with the stable residential character of his neighborhood, spoil its tranquility; and be inconsistent with the intent of the Comprehensive Plan. (A copy of Mr. Hunter's remarks is in the date file.)

Tim Davidson, 9712 Hidden Valley Road, Vienna, Vice President of the Courthouse Oaks Homeowners Association, delivered a PowerPoint presentation expressing opposition due to concerns about loss of privacy and scenic value; noise generated by traffic and the facility; bright lighting; increased traffic; stormwater drainage; diminished property values, nonconformance with the Comprehensive Plan; proximity to the Washington Gas monitoring station; potential for a traffic accident caused by a ball thrown or kicked from the playground area; need for a child care center in the area; inappropriate location; and unsafe and inconvenient access. He claimed that Verizon would not allow access to the service drive. (A copy of Mr. Davidson's presentation is in the date file.)

In response to Commissioner Flanagan, Mr. Davidson indicated that the Courthouse Oaks community had access off Courthouse Road but did not have access to Sutton Road. He said the Verizon facility was located between his property and the subject property.

Mr. Davidson answered questions from Chairman Murphy regarding the Verizon facility location and the subject site in relation to his and his neighbors' properties along Hidden Valley Road.

Chairman Murphy pointed out to Mr. Davidson that the Comprehensive Plan and the Zoning Ordinance allowed child care centers in residential areas with special exception approval. He said he believed that a residential area was the appropriate location for a child care center, noting that was where most were located in the County. He also noted that the Planning Commission could not legally deny an application on the basis of "restriction of trade," meaning that the number of existing child care centers nearby could not be considered when evaluating the application.

Replying to a question from Commissioner Hart, Mr. Davidson said he did not think it was within the purview of the Courthouse Oaks Homeowners Association to decide how the property should be developed.

In response to a question from Chairman Murphy, Ms. Abrahamson indicated that the current Plan allowed for a total of four to five single-family detached dwelling units on this R-1 zoned property, which would generate a total of 40 to 50 vehicular trips per day.

Responding to questions from Commissioner Flanagan, Ms. Strobel described the layout of the previously-proposed residential development as contained in the last exhibit in her packet and said she did not know if the Courthouse Oaks community had evaluated this proposal.

Jody Miller, 5877 Clarendon Springs Place, Centreville, noted that she was the director of the applicant's school in Reston and had also worked at his school in Fairfax from 2005-2006 as

a consultant. She spoke in support of the proposal because it would provide quality child care and education for young children; not generate more traffic to the area; be an asset to the community; and fulfill a need in the area. She explained the procedures for the staggered arrival and departure of children at the applicant's other facilities, noting that the majority of the vehicles would have multiple children and the parents would comply with the procedures. She pointed out that delivery trucks would not arrive at the site during the morning or afternoon rush hours so this would not create any conflicts with the passenger vehicles.

Simon Zheng, 4521 English Holly Drive, Fairfax, noted that his children attended the applicant's child care center in Fairfax. He spoke in favor of the proposed child care center and commented on the Fairfax center's professional, caring staff; well-managed, organized programs; welcoming, positive environment; high quality child care; and value to the community.

Manoj Mansukhani, 9730 Cheriton Court, Vienna, President of the Five Oaks Homeowners Association, noted that he had sent an e-mail dated January 24, 2011, in opposition to the proposed development, a copy of which is in the date file. He expressed concerns about the detrimental effect on the quality of life, increased traffic, reduced property values, overflow parking on Cheriton Court, and the safety of children in his neighborhood.

In reply to a question from Commissioner Lawrence, Mr. Mansukhani noted that the Five Oaks Homeowners Association had voted to oppose the proposal.

Ray Farhadi, 9721 Cheriton Court, Vienna, spoke in opposition to the proposal citing concerns about additional traffic and dangerous traffic conditions in the area. He suggested that the applicant consider locating the facility on the recently-vacated Cox Farms property. (A copy of Mr. Farhadi's remarks is in the date file.)

Jody Nelson, 2558 Babcock Road, Vienna, said she strongly opposed the proposed use because it was inappropriate, the property should remain residentially zoned in accordance with the Comprehensive Plan, and none of the residents in the surrounding communities supported it.

Chairman Murphy pointed out to Ms. Nelson that approval would be granted by the Board of Supervisors with a recommendation from the Planning Commission after consideration of the input from citizens.

Commissioner Lawrence commented that the Commission would make its decision based on land-use issues and not whether the proposed development would provide quality child care.

Melissa Lance, 14737 Deming Drive, Gainesville, expressed support for the center because the site would be convenient for her to drop off her children while travelling to work in Vienna and would provide affordable child care.

Sam Morton, 9711 Bunchberry Place, Vienna, voiced his objection to the proposal citing concerns about excessive traffic, poor stormwater drainage, declined quality of life, and littering along Sutton Road behind his house. (A copy of his remarks is in the date file.)

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

Ms. Strobel pointed out that the Verizon representatives, whom the applicant had discussed the proposal with and worked with on a temporary construction easement to allow the site improvements, supported the proposal. She noted that the proposed stormwater management improvements would help alleviate the existing drainage problem in the area. She said the child care center would only be open Monday through Friday, without many after-hours activities, and overflow parking would be provided in an off-site location but not in the neighborhood. Addressing the concerns expressed by the speakers about traffic, Ms. Strobel explained that traffic generated by the proposed use would not have a significant impact and the Sutton Road/Route 123 intersection would continue to operate at a LOS "C" in the morning and "B" in the evening and there were no VDOT or County plans for improvements on Sutton Road. Addressing Mr. Davidson's remark that Verizon would not allow access to the service drive, she indicated that Verizon did not control that access because it was located within VDOT right-of-way. She reiterated that the applicant would provide a full right-turn lane into the site at the request of FCDOT. She explained that the playground area and building were located as far from the adjacent community as possible.

Commissioner Lawrence provided Ms. Strobel with a copy of Mr. Dale's letter. He noted that the letter had stated that Verizon had not been aware of the proposed changes to the service drive until it had been alerted by a third party yesterday. He said although Verizon did not own the right-of-way, Verizon was a neighbor and should have the opportunity to express concerns. Ms. Strobel said the applicant would address this matter.

Answering a question from Commissioner Hall, Ms. Goddard-Sobers explained that staff had recommended that the building be redesigned in such a way that would allow full on-site transitional screening but had not proposed a specific number of children permitted on the site at any one time, which would be calculated based on the total square footage of the building.

Replying to more questions from Commissioner Hall, Ms. Strobel explained that the applicant had requested a modification of the transitional screening requirements along Sutton Road and Route 123 frontages of the site to allow construction of the right-turn lane. She said she believed that VDOT would allow the applicant to plant within the right-of-way. She reiterated that the proposed total enrollment was 150 children with no more than 120 children present on the site at any one time. Ms. Strobel said the applicant was unwilling to offer anything less than the maximum attendance of 120 children because no further modifications could be made to the play area and building. She noted that the hours of operation would be 6:30 a.m. to 6:30 p.m., Monday through Friday, with 7 a.m. as the earliest arrival time. She explained that at the time of registration, all parents/guardians would be allotted a specific period of time during which they were to drop off and pick up their children. She said some children would attend the center less than five days a week based on their education program.

At the request of Commissioner Flanagan, Ms. Goddard-Sobers said she would verify whether the Fairfax County Fire Department had raised any objection to the proposed configuration of the

u-turn. Commissioner Lawrence said he did not think the Fire Department would have any problem with the configuration; however, he expressed concern that Verizon's vehicles might encounter problems exiting and entering the service drive. Ms. Abrahamson pointed out that depending on the location of the closest hydrant, a fire truck might not enter directly into the site due to distance requirements.

Chairman Murphy stated that all the citizens' correspondence related to this application had been circulated to the entire Planning Commission and entered into the public record. He commented that the Commission would consider the speakers' testimony and the written and electronic correspondence in making its decision.

Commissioner Lawrence noted that several of the surrounding community groups and neighbors including Verizon had taken formal positions against the proposal. He referred to an e-mail dated February 15, 2011, from Frank Sheridan, President of the Edgelea Woods Community Association, in opposition to the proposal, a copy of which is in the date file. He thanked everyone for their valuable input.

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 Lawrence action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT SE 2008-PR-021 BE DENIED.

Commissioner Alcorn seconded the motion which carried by a vote of 9-1 with Commissioner Hall opposed; Commissioners Harsel and Sargeant absent from the meeting.

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The meeting was adjourned at 11:12 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: April 18, 2012

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