

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, FEBRUARY 24, 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
James R. Hart, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
Peter F. Murphy, Jr., Springfield District

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The meeting was called to order at 8:20 p.m. by Vice Chairman Walter L. Alcorn 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 announced that David Edwards had passed away on February 17, 2011. He said Mr. Edwards was a longtime resident who had been involved in the planning and development of Reston. He added that Mr. Edwards had been active in County matters and said his wisdom and counsel would be missed.

Adding to Commissioner de la Fe's remarks, Vice Chairman Alcorn expressed sympathy to Mr. Edwards' family on behalf of the Planning Commission.

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Commissioner Hart announced that the Planning Commission's Environment Committee had met earlier this evening to begin reviewing the strawman document on the Green Building Policy. He announced that the Committee would again meet at 7:00 p.m., in the Board Conference Room of the Government Center, on the following dates, and said that everyone was welcome to attend.

- March 10, 2011 – Staff presentation on solid waste issues and how they might be addressed in proffers

- April 14, 2011 – Continued discussion/review of the strawman document for the Green Building Policy

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Commissioner Donahue MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON SE 2010-DR-024, DISCOVERY WOODS LEARNING COMMUNITY, LLC, TO A DATE CERTAIN OF WEDNESDAY, MARCH 16, 2011.

Commissioners Litzenberger and de la Fe seconded the motion which carried by a vote of 8-0-1 with Commissioner Sargeant abstaining; Commissioners Hall, Harsel, and Murphy absent from the meeting.

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2232-P10-10 – NEWPATH NETWORKS, LLC & NEW CINGULAR WIRELESS PCS, LLC
(Decision Only) (The public hearing on this application was held on December 9, 2010. A verbatim transcript of the decision made is in the date file.)

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION FIND THAT NODES 6 AND 7 SATISFY THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AND ARE SUBSTANTIALLY IN ACCORD WITH THE COMPREHENSIVE PLAN UNDER THE PROVISIONS OF *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED, AND THAT APPROVAL OF NODES 6 AND 7 WILL NOT AFFECT THE LOCATION, CONFIGURATION, APPROVAL, OR DISAPPROVAL OF NODES, 5, 8, AND 9.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioner Sargeant recusing himself from the vote; Commissioners Hall, Harsel, and Murphy absent from the meeting.

Commissioner Lawrence MOVED THAT THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY AND EXTEND THE 2232 REVIEW PROCESS FOR NODES 5, 8, AND 9 TO A DATE CERTAIN OF THURSDAY, APRIL 28, 2011.

Commissioner Flanagan seconded the motion which carried unanimously with Commissioner Sargeant recusing himself from the vote; Commissioners Hall, Harsel, and Murphy absent from the meeting.

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FS-L10-69 – T-MOBILE NORTHEAST, LLC, 2072 Southgate Drive

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT FS-L10-69 IS A “FEATURE SHOWN,” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

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

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FS-L10-63 – SPRINT, 6540 Franconia Road

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION FIND FS-L10-63, SPRINT, A “FEATURE SHOWN,” PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

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

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FSA-H96-49-2 – AT&T MOBILITY, Virginia Power Transmission Tower

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION FIND FSA-H96-49-2, AT&T MOBILITY, IN SUBSTANTIAL 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 Hart seconded the motion which carried by a vote of 8-0-1 with Commissioner Sargeant abstaining; Commissioners Hall, Harsel, and Murphy absent from the meeting.

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FS-H10-74 – LIGHTSQUARED, 2455 Fox Mill Road

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION FIND FS-H10-74, LIGHTSQUARED, IN SUBSTANTIAL 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 Hart seconded the motion which carried unanimously with Commissioners Hall, Harsel, and Murphy absent from the meeting.

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FS-H09-209 – CRICKET COMMUNICATIONS, 2610 Reston Parkway

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION FIND FS-H09-209, CRICKET COMMUNICATIONS, IN SUBSTANTIAL 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 Hart seconded the motion which carried unanimously with Commissioners Hall, Harsel, and Murphy absent from the meeting.

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ORDER OF THE AGENDA

In the absence of Secretary Harsel, Vice Chairman Alcorn set the order of the agenda as follows:

1. RZ/FDP 2010-LE-013 – WPPI SPRINGFIELD HS, LLC
2. SEA 81-P-025 – FALLS CHURCH (E&A) LLC
3. SE 2010-SP-029 – PLEASANT VALLEY PRESCHOOL, INC.
4. 2232-Y10-22 – UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA)

This order was accepted without objection.

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RZ 2010-LE-013/FDP 2010-LE-013 – WPPI SPRINGFIELD HS, LLC – Appls. to rezone from C-6, CRD, HC, and SC to PDC, CRD, HC, and SC to permit commercial development with an overall Floor Area Ratio (FAR) of 1.68 and approval of the conceptual and final development plans. Located in the N.W. quadrant of the intersection of Old Keene Mill Road and Amherst Ave. on approx. 1.63 ac. of land. Comp. Plan Rec: Retail & Other w/ option for hotel use. Tax Map 80-4 ((9)) 4, 5, and 6. LEE DISTRICT. JOINT PUBLIC HEARING.

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated February 8, 2011. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had

one case pending with Ms. Strobel's firm but indicated that there was no financial relationship that would affect his ability to participate in this case.

In response to a question from Commissioner de la Fe, Vice Chairman Alcorn affirmed that this case involved the rezoning that was associated with the recently-approved Out-of-Turn Plan Amendment S10-IV-FS1 to allow an additional 10,000 SF of hotel use on the subject site, for a total allowance of 120,000 square-feet of hotel use.

St. Clair Williams, Zoning Evaluation Division (ZED), 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 applications.

In response to a question by Commissioner Hart, Mr. Williams stated that the applicant had addressed some of the transportation issues. He explained that the applicant proposed proffers to provide \$40,000 to be used for a regional bus route or a pedestrian crosswalk; \$10,000 for pedestrian safety improvements to Old Keene Mill Road; and an 800 square-foot easement for a bridge connection landing. In response to a follow-up question by Commissioner Hart, Mr. Williams said he did not know if there had been any other applications for hotels that have not committed to LEED in conformance with County Policy.

Ms. Strobel said that the applicant proposed to rezone the property from C-6 to the PDC District to allow for the construction of an Extended Stay hotel, which would be six stories, with 167 rooms and a parking garage. She added that the applicant had designed the hotel similar to a nearby Residence Inn and noted that while the hotel would cater to business travelers, it would not include amenities that would add to existing traffic in the area. Ms. Strobel noted that the applicant proposed low-impact development features, including a rooftop garden on the garage, white reflective roof, and rainwater collection system, in addition to several other enhancements. She said the applicant had proffered to every LEED commitment, with the exception of the escrow, noting that the current proffer commitments were not completely fulfilled, but should be satisfactory. She added that the applicant was currently building a LEED-certified hotel in the County and intended to do the same with the current proposal. Ms. Strobel said that the applicant had spent considerable time and effort on the hotel's appearance and streetscape. Additionally, she noted that the proffer package included contributions to the Fairfax County Park Authority and transportation improvements. She further noted that the application had the support of the Lee District Land Use Committee as well as the Springvale community, which was located closest to the application property.

In response to a question from Commissioner Migliaccio, Ms. Strobel said no buildings without LEED certification were under construction in Fairfax County even if they had been approved.

Responding to a comment from Commissioner Hart regarding an "illustrative purpose only" note on Proffer 8C, Mr. Williams affirmed the applicant would have to conform to the written proffer statement.

In response to a question by Commissioner Sargeant, Ms. Strobel said the applicant would make a decision with the Fairfax County Department of Transportation regarding interparcel access on Parcel 9. She stated that the applicant would be flexible in case the property owner wanted modifications, but the owner would have to pay for it. In response to a follow-up question by Commissioner Sargeant, Ms. Strobel said that the owner of Parcel 9 had submitted a site plan under the existing zoning that established a few eating establishments.

Ms. Strobel replied to a question from Commissioner Lawrence, affirming that the \$40,000 was a fixed amount for the proposed pedestrian bridge.

Responding to a question from Commissioner Flanagan about the percentage of garden area on top of the parking garage, Ms. Strobel stated it was meant to be decorative and not a green roof.

In response to a question from Commissioner Migliaccio, Ms. Strobel stated that pedestrians would see the hotel as they walked over the bridge since the bridge would be lower than the height of the building.

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

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Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2010-LE-013, THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, AND A REVISION OF PROFFER 8C TO LIST THE CORRECT SHEET NUMBERS, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 11, 2011.

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

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2010- LE-013, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ-2010-LE-013 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN.

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

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF AN INCREASE IN MAXIMUM

FLOOR AREA RATIO FROM 1.5 TO 1.68, PURSUANT TO PARAGRAPH 3 OF SECTION 6-208 OF THE ZONING ORDINANCE.

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

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE OFF-STREET LOADING SPACE REQUIREMENT.

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

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE 20-PERCENT PARKING REDUCTION.

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

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE 20-FOOT MINIMUM REAR YARD REQUIREMENT TO PERMIT A MINIMUM REAR YARD OF 8 FEET ALONG THE EASTERN BOUNDARY.

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

Commissioner Migliaccio MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE FRONT YARD 45-DEGREE BULK PLANE REQUIREMENTS TO PERMIT A FRONT YARD BULK PLANE OF 4 DEGREES.

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

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SEA 81-P-025 – FALLS CHURCH (E&A) LLC – Appl. under Sect. 4-804 of the Zoning Ordinance to amend SE 81-P-025 previously-approved for a drive-in financial institution to permit a fast food restaurant in a highway corridor overlay district, an increase in land

area, and associated modifications to site design and development conditions. Located at 7393 Lee Hwy. on approx. 3.87 ac. of land zoned C-8 and HC. Tax Map 50-1 ((1)) 39D. PROVIDENCE DISTRICT. PUBLIC HEARING.

Steven Teets, agent for the applicant, reaffirmed the affidavit dated April 27, 2010. There were no disclosures by Commission members.

Commissioner Lawrence asked that Vice Chairman Alcorn ascertain whether there were any speakers for this application. There being none, he asked that the presentations by staff and the applicant be waived and the public hearing closed.

In response to a question from Commissioner Lawrence, Suzianne Zottl, Zoning Evaluation Division, Department of Planning and Zoning, explained that there was a motion for a waiver of the service drive requirement that was included in error.

No objections were expressed; therefore, Vice Chairman Alcorn closed the public hearing and recognized Commissioner Lawrence for action on this case. (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 SEA 81-P-025, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 9, 2011.

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

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SE 2010-SP-029 – PLEASANT VALLEY PRESCHOOL, INC. –
Appl. under Sect. 3-304 of the Zoning Ordinance to modify and expand the parking lot at the Greenbriar Community Center, which houses the Pleasant Valley Preschool, with no changes in enrollment or hours of operation. Located at 4615 Stringfellow Road on approx. 1.52 ac. of land zoned R-3 and WS. Tax Map 45-3 ((1)) 11. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Emerson Cale, Greenbriar Civic Association, reaffirmed the affidavit dated November 3, 2010. There were no disclosures by Commission members.

Commissioner Litzenberger asked that Vice Chairman Alcorn ascertain whether there were any speakers for this application. There being none, he asked that the presentations by staff and the

applicant be waived and the public hearing closed. No objections were expressed; therefore, Vice Chairman Alcorn closed the public hearing and recognized Commissioner Litzenberger for action on this case. (A verbatim excerpt is in the date file).

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Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2010-SP-029, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 17, 2011.

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

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE WESTERN PROPERTY LINE IN FAVOR OF THAT DEPICTED ON THE SE PLAT AND AS STATED IN THE DEVELOPMENT CONDITIONS.

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

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENT ALONG THE WESTERN PROPERTY LINE.

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

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2232-Y10-22 – UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA) – Appl. to replace 3,500 linear feet of existing interceptor sewer line with new, larger, corrosion-resistant piping in the Centreville area. Portions of Tax Maps: 0434-03-Q; 0434-07-0009; 0434-07-0010; 0434-07-0011; 0434-07-0012; 0434-07-0013; 0434-07-0014; 0434-01-0012; 0434-08-0006; 0434-08-0007; 0434-07-0009. Area III. SULLY DISTRICT. PUBLIC HEARING.

Sandi Beaulieu, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended that the Planning Commission find the proposal substantially in accord with provisions of the adopted Comprehensive Plan.

In response to questions from Commissioner Litzenberger, Ms. Beaulieu confirmed that UOSA had eminent domain authority over the project. She affirmed that UOSA have been working on agreements with the neighbors to excavate their yards. Ms. Beaulieu also stated that reforestation of the area would be based on the site plan.

In a response to a question from Commissioner Sargeant, Ms. Beaulieu stated that UOSA organized a Phase I archeological study and would work with the Fairfax County Park Authority (FCPA) to ensure that the project would not affect any cultural or historic resources.

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

Kurt Schumacher, 14920 Cub Run Park Drive, Centreville, expressed opposition to the application. He stated that he was the owner of lot 14 and that his property would be most affected by this project. Mr. Schumacher described the features of his property and said that the stream bank was vulnerable to erosion if the trees were uprooted or damaged by the construction process. He also said there was a contradiction between County documents and the staff analysis, pointing out that the proposed line would take place in a 25-foot wide sewer line and was exempt from zoning regulations; however, lines of clearing would be 50 to 80 feet wide so he questioned whether they would indeed be exempt. Mr. Schumacher said he asked the Department of Public Works and Environmental Services (DPWES) to take a look at the property to make an assessment, but had been unsuccessful.

In response to questions from Commissioner Litzenberger, Mr. Schumacher said his lot was 15 feet above the stream and his back lot went to the middle of the stream. He reaffirmed his concern that the construction of the new pipe would damage the trees on his property.

Responding to a question from, Commissioner Flanagan, Mr. Schumacher said that the project should be shifted slightly off the stream by 8 or 10 feet as an alternative to the proposed plan.

In a response to questions from Commissioner Sargeant, Ms. Beaulieu said there was no flexibility to change the location of the sewer line. Chris Caperton, PD, DPZ, stated there needed to be a clear zone to ensure that roots and other vegetation did not intrude onto the pipeline. Ms. Beaulieu affirmed that the pipe was constructed in the 1970s. Mr. Schumacher said the trees had been there before he bought his property.

Responding to questions from Commissioner Hart, Ms. Beaulieu said she could discuss the possibility of moving the pipe with UOSA, but it would come at a cost.

In response to questions from Commissioner Hart, Mr. Schumacher said his lot was steeper than the floodplain and that he and his neighbor maintained the lawns. Mr. Schumacher said he did not believe the erosion from the stream has gotten any worse.

In response to a question from Commissioner Sargeant, Mr. Schumacher confirmed that the trees were not in the existing UOSA easement and Ms. Beaulieu affirmed this.

In response to a question from Commissioner Lawrence, Mr. Schumacher said he considered other construction methods to limit the damage on the trees.

There being no more speakers, Vice Chairman Alcorn called for concluding staff remarks from Ms. Beaulieu, who declined.

Commissioner Hart commented that construction crews tended to mow trees down and recommended that the project be carefully monitored.

In response to a question from Commissioner Hart, Bob Angelotti, Director of Technical Services Division, UOSA, confirmed there was a portion of the project where UOSA worked with FCPA to build the pipe and would ask them about the impact on animals like wood turtles. Ms. Beaulieu added that staff did not look specifically at the issue posed by wood turtles.

Commissioner de la Fe commented that staff could talk to FCPA and have them address this issue.

In response to questions from Commissioner Sargeant, David Wheeler, Consulting Engineer for the UOSA project, said they were following the same protocol for reforestation that they followed for the five-mile project that they were currently working on. Mr. Angelotti stated UOSA was not going to expand the permanent easement and there was already an existing trench. He added that UOSA met with Mr. Schumacher and worked with contractors to minimize the impact on the trees.

Responding to a question from Commissioner Lawrence, Mr. Angelotti said UOSA would perform a walk-through before any clearings and have inspectors monitor the job.

In response to a question from Commissioner Flanagan, Mr. Angelotti stated that UOSA had not finalized the negotiations on Mr. Schumacher's compensation and could not confirm that root pruning would hurt the trees.

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

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Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON 2232-Y10-22, UPPER OCCOQUAN SEWAGE AUTHORITY, TO A DATE CERTAIN OF WEDNESDAY, MARCH 2, 2011, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

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

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The meeting was adjourned at 10:08 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.

Meeting taken by: Jeanette Nord

Minutes by: Jacob L. Caporaletti

Approved on: April 18, 2012

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