MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MARCH 1, 2012

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
Ellen J. Hurley, Braddock District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Peter F. Murphy, Jr., Springfield District

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The meeting was called to order at 8:18 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 Sargeant announced that the Planning Commission would hold a public hearing on the advertised Fairfax County Capital Improvement Program for Fiscal Years 2013-2017 on Thursday, March 8, 2012.

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FS-P11-40 – NEXTNAV, 1751 Pinnacle Drive

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY COLLOCATION PROPOSED BY NEXTNAV AND LOCATED AT 1751 PINNACLE DRIVE IS SUBSTANTIALLY IN ACCORD WITH RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN," PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioners de la Fe and Flanagan seconded the motion which carried by a vote of 10-0-1 with Commissioner Sargeant abstaining; Commissioner Murphy absent from the meeting.

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FS-P11-41 – NEXTNAV, 7926 Jones Branch Drive

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY COLLOCATION PROPOSED BY NEXTNAV AND LOCATED AT 7926 JONES BRANCH DRIVE IS SUBSTANTIALLY IN ACCORD WITH RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN," PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Litzenberger seconded the motion which carried by a vote of 10-0-1 with Commissioner Sargeant abstaining; Commissioner Murphy absent from the meeting.

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2232A-Y00-37-1 – SPRINT, 3721 Stonecroft Boulevard
FSA-P04-44-2 – SPRINT, 2600 Park Tower Drive
FSA-L99-7-1 – SPRINT, 5716 S. Van Dorn Street

Vice Chairman Alcorn MOVED THAT THE PLANNING COMMISSION APPROVE THE CONSENT AGENDA ITEMS.

Without objection, the motion carried unanimously with Commissioner Murphy absent from the meeting.

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ZONING ORDINANCE AMENDMENT – PUBLIC ENTERTAINMENT ESTABLISHMENTS (Decision Only) (The public hearing on this item was held on February 23, 2012. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE PROPOSED PUBLIC ENTERTAINMENT ESTABLISHMENTS ZONING ORDINANCE AMENDMENT BE ADOPTED AS CONTAINED IN THE ADVERTISED TEXT DATED JANUARY 24, 2012, WITH THE EXCEPTION OF THE REVISIONS TO THE PROPOSED EATING ESTABLISHMENT, PUBLIC ENTERTAINMENT, AND HOOKAH DEFINITIONS, AS INDICATED IN THE REVISED HANDOUT TEXT DATED FEBRUARY 29, 2012, WITH AN EFFECTIVE DATE OF 12:01 A.M. ON THE DATE FOLLOWING ADOPTION.

Commissioner Lawrence seconded the motion.

Commissioner Sargeant MOVED A SUBSTITUTE MOTION THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DEFER CONSIDERATION ON THE PUBLIC HEARING ON THIS ZONING ORDINANCE

AMENDMENT REGARDING PUBLIC ENTERTAINMENT ESTABLISHMENTS TO ALLOW ADDITIONAL TIME FOR REVIEW.

Commissioners de la Fe, Lawrence, and Litzenberger seconded the substitute motion which carried by a vote of 8-2-1 with Commissioners Hall and Migliaccio opposed; Commissioner Hart abstaining; Commissioner Murphy absent from the meeting.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION DISAPPROVE THE ORIGINAL MOTION AS ARTICULATED BY COMMISSIONER HART.

Commissioner Migliaccio seconded the motion.

After discussion, Commissioner Hart MOVED TO TABLE COMMISSIONER HALL'S MOTION UNTIL AFTER HIS MOTION.

This motion carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Hart MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THIS TOPIC BE READVERTISED WITH A BROADER SCOPE, BUT PRIOR TO AUTHORIZATION OF ADVERTISING, THE BOARD SHOULD DIRECT STAFF TO CONTINUE TO WORK WITH THE COMMISSION ON THIS TOPIC WITH A SPECIFIC REVIEW AND EVALUATION OF THE FOLLOWING ISSUES FOR OUTREACH AND/OR WORKSHOPS WITH THE COMMISSION, INDUSTRY, AND THE COMMUNITY:

- PROXIMITY OF NIGHTCLUB-TYPE USES TO RESIDENTIALLY ZONED PROPERTY AND WHETHER PHYSICAL SEPARATION OF USES CAN BE INCLUDED IN THE ORDINANCE AS AN ADDITIONAL STANDARD, THAT COULD BE WAIVED BY THE BOARD ON A CASE-BY-CASE BASIS, AND HOW OTHER JURISDICTIONS WITH ZONING ORDINANCES REQUIRING SPECIFIC SEPARATIONS OF SIMILAR SPECIAL EXCEPTION USES FROM OTHER USES IMPLEMENT AND ENFORCE THOSE RESTRICTIONS;

- UNDER WHAT CIRCUMSTANCES ESTABLISHMENTS WITH LARGER DANCE FLOORS THAN 1/8 OF THE DINING AREA COULD OPERATE BY-RIGHT RATHER THAN REQUIRING SPECIAL EXCEPTION APPROVAL IF LOCATED IN INDUSTRIAL DISTRICTS AND WITH SUFFICIENT PARKING;

- WHETHER EATING ESTABLISHMENTS WITH ACCESSORY DANCE FLOORS OR NIGHTCLUB-TYPE USES MIGHT BE REGULATED DIFFERENTLY DEPENDING ON THE SIZE OF THE ESTABLISHMENT OR OTHER OBJECTIVE CLASSIFICATIONS;

- WHETHER OTHER JURISDICTIONS EMPLOY OTHER TECHNIQUES OR CRITERIA TO FACILITATE THE MANAGEMENT AND ENFORCEMENT OF

OCCUPANCY LOADS, FIRE CODE REQUIREMENTS, OR OTHER NON-ZONING REGULATIONS;

- WHETHER SEPARATE LICENSING OF NIGHTCLUB USES AS IS DONE IN OTHER JURISDICTIONS WOULD ASSIST WITH MANAGEMENT OF CROWDS AND COLLATERAL ISSUES IMPACTING NEIGHBORHOODS;

- WHETHER THE ORDINANCE SHOULD CONSIDER WHETHER ESTABLISHMENTS WITH DANCE FLOORS SERVE ALCOHOL, OR ARE ONLY OPEN CERTAIN DAYS OR HOURS;

- WHETHER HIGHER PARKING RATIOS ARE APPROPRIATE FOR PUBLIC ENTERTAINMENT ESTABLISHMENTS OR EATING ESTABLISHMENTS WITH DANCING OR UNDER WHAT CIRCUMSTANCES;

- WHETHER ACCESSORY USES SUCH AS DANCING IN EATING ESTABLISHMENTS MIGHT BE DEFINED DIFFERENTLY CONSIDERING THE FREQUENCY OF THE ACTIVITY, THE OCCUPANCY LOAD FOR THE FACILITY, OR OTHER CRITERIA RATHER THAN THE SIZE OF THE DANCE FLOOR;

- SUCH OTHER FACTORS AND ISSUES AS STAFF DEEMS APPROPRIATE FOR FURTHER EVALUATION OF PUBLIC ENTERTAINMENT ESTABLISHMENTS OR EATING ESTABLISHMENTS WITH DANCING; AND

- THAT THE STAFF REPORT BACK TO THE BOARD WITHIN 12 MONTHS WITH A RECOMMENDATION FOR SCOPE OF ADVERTISING, INCLUDING FLEXIBILITY TO THE PLANNING COMMISSION AND BOARD TO CONSIDER SUCH CHANGES WITH INPUT FROM THE COMMUNITY.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioner Murphy absent from the meeting.

Commissioner Donahue MOVED THAT THE PLANNING COMMISSION CHANGE THE PROPOSED TEXT ON PAGE 7, LINES 4-5, TO READ, “500 SQUARE FEET,” RATHER THAN “150 SQUARE FEET,” SHOULD THE BOARD OF SUPERVISORS DECIDE NOT TO DEFER THIS AMENDMENT.

Commissioner Litzenberger seconded the motion which failed by a vote of 4-6-1 with Commissioners Alcorn, de la Fe, Hall, Hurley, Lawrence, and Sargeant opposed; Commissioner Hart abstaining; Commissioner Murphy absent from the meeting.

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FAIRFAX COUNTY CAPITAL IMPROVEMENT PROGRAM (CIP) WORKSHOP – A public workshop will be held, in accordance with

Sect. 15.2-2232 of the *Code of Virginia*, on the Advertised CIP, Fiscal Years 2013-2017 (with future Fiscal Years to 2022), with briefings from various County agencies. COUNTYWIDE.

The Planning Commission held a workshop on the CIP, where presentations were made by representatives of the following agencies:

1. Fairfax County Public Schools (FCPS)
   Dean Tistadt, Chief Operating Officer, Facilities and Transportation Services

(A copy of Mr. Tistadt's presentation is in the date file.)

Answering a question from Commissioner de la Fe, Mr. Tistadt identified sites approximate to Mount Vernon Woods and Virginia Hills as potential sites for the construction of new schools. He added that a 20-year development concept of the Route 1 Corridor, as provided by County staff, would be helpful in determining other potential sites.

In response to questions from Commissioner Flanagan, Mr. Tistadt confirmed that the sites for the projects listed under "New Construction" on page 47 of the CIP had not been determined and more input from County staff and citizens were required. He briefly described the size and scale of an elementary school if it were constructed on a site of 10 acres.

Mr. Tistadt agreed to provide additional information to Commissioner Lawrence on green building rating systems for schools and the effect of broadband internet demands on construction methods.

Responding to questions from Commissioner Litzenberger, Mr. Tistadt stated that no additional land would be required for the capacity enhancement projects listed in the CIP but reported that significant increases in class size had occurred at the elementary school level. He noted that further study would be needed to determine how increased enrollment at the middle school and high school level would be addressed. He added that a new high school may be required.

In reply to questions from Commissioner Sargeant, Mr. Tistadt explained that the discrepancies in the $19.9 million estimate listed in the CIP for the Route 1 Area Elementary School and the $9.9 million estimate listed in the presentation was due to the CIP listing the estimated total cost of the project while the presentation listed the estimated cost over a five-year span. He said that the method used to estimate projected student population would be updated in the spring of 2012.

Replying to a question from Commissioner Hurley, Mr. Tistadt confirmed that modular units would be added to Frost Middle School to meet increased capacity requirements.

Answering questions from Commissioner Hart, Mr. Tistadt said that the cost estimate for the construction of the four new elementary schools listed on page 47 of the CIP did not include the cost of land acquisition. He explained why the cost estimates for some projects appeared higher

than others. He stated that a site had not yet been identified for the West County Elementary School project.

Replying to questions from Commissioner Flanagan, Mr. Tistadt confirmed that the capacity enhancements for Woodley Hills Elementary School and Whitman Middle School would be completed by July 2013.

2. Fairfax County Department of Public Works and Environmental Services (DPWES)
   Paul Shirey, Chief, Stormwater Management and Contracting Branch

(A copy of Mr. Shirey's presentation is in the date file.)

In response to questions from Vice Chairman Alcorn, Mr. Shirey confirmed the increase in rates for stormwater service and briefly discussed the need to fund projects related to stormwater.

Commissioner Sargeant and Mr. Shirey briefly discussed the proposed Emergency and Flood Response Program in the Huntington and Belle View areas. Mr. Shirey said an appropriate design for these projects would be determined during the planning and design phase. He noted that federal and state funds would be requested for these projects and estimated that a project such as Huntington would take five to six years to complete. He concurred that these areas had a higher priority for flood control improvements due to ongoing flooding issues.

In response to follow-up questions from Commissioner Flanagan, Craig Carinci, Director, Stormwater Planning Division, DPWES, explained the current status, design, funding mechanisms, and cost allocations for flood abatement projects in the Huntington and Belle View areas.

Commissioner Flanagan and Mr. Shirey discussed the restoration of the Little Hunting Creek Watershed and the availability of funding for this and similar projects.

Martha Reed, Capital Programs Coordinator, Department and Management and Budget, replied to questions from Commissioner Flanagan about the Developer Streetlight Program listed on page 92 of the CIP.

Answering a question from Commissioner Lawrence, Mr. Shirey confirmed that increased regulations were one of the causes that led to the proposed increase in stormwater service fees.

Responding to a request from Commissioner Lawrence, Mr. Shirey said citizens or associations seeking additional details on issues relating to stormwater fees could refer to the DPWES website and provided a phone number for general inquiries. Mr. Carinci added that the DPWES website included information on specific watershed programs such as Accotink Creek.

In reply to a question from Commissioner de la Fe, Mr. Carinci stated that the stormwater service fee was universal.

3. Fairfax County Department of Transportation (FCDOT)
   Todd Wigglesworth, Acting Division Chief, Coordination and Funding Division

Commissioner de la Fe expressed gratitude for the completion of the Wiehle Avenue trail.

Mr. Wigglesworth responded to questions from Commissioner Flanagan regarding cost projections and funding for the Richmond Highway Public Transit Initiatives listed on page 171 of the CIP. He explained how decisions were made about which improvements would be implemented over the next 10 years, adding that public hearings would be held to obtain input from the community.

Answering a question from Commissioner Sargeant, Mr. Wigglesworth explained that FCDOT was beginning the implementation of the Route 1 Transit Study. He also noted that this study would influence additional improvements throughout the County. He pointed out that projects relating to Tysons Corner were detailed in a four-year plan provided to the Board of Supervisors. (A copy of this document is in the date file.)

Answering a question from Commissioner Hart, Ms. Reed stated that the Safety Improvements and Emergency Maintenance of Existing Trails provision on page 171 of the CIP was a project administered by DPWES and explained why it was listed as a CIP item.

In reply to questions from Commissioner Flanagan, Mr. Wigglesworth confirmed that the Transit Study for Richmond Highway did not include funds earmarked by the Virginia General Assembly. In addition, he explained that FCDOT was working with the Virginia Department of Rail and Public Transportation on a separate study regarding rail usage.

4. Fairfax County Fire and Rescue
   John Burke, Deputy Chief

(A copy of Mr. Burke’s presentation is in the date file.)

Commissioner Lawrence, Vice Chairman Alcorn, and Mr. Burke discussed the progress of the community building that would house the Providence District Supervisor’s Office.

5. Fairfax County Public Libraries (FCPL)
   Edwin S. Clay III, Director

(A copy of Mr. Clay's presentation is in the date file.)

Commissioner Hall complimented the facilities at Woodrow Wilson Public Library and expressed support for future expansions.

Commissioner Migliaccio and Mr. Clay discussed the status of a project to construct a new library in Kingstowne.

Commissioner de la Fe and Mr. Clay briefly discussed the status of the Reston Regional Library.

6. Fairfax County Police Department (FCPD)
   Brenda Akre, Director of Records and Facilities

(A copy of Ms. Akre's presentation is in the date file.)

Responding to questions from Commissioner Lawrence, Ms. Akre discussed the time frame and site selection process for the full service station in Tysons Corner and the district station in Merrifield.

In reply to a question from Commissioner Migliaccio, Ms. Akre said that the planned expansion and renovation of the animal shelter would meet demand over a 20-year time line and another satellite shelter was planned in the southern portion of the County.

Answering questions from Commissioner Sargeant, Ms. Akre stated that the construction of a new police station in the Laurel Hill/Dunn Loring area was a major priority and identified the proposed site located adjacent to Furnace Road.

7. Fairfax County Community Services Board (FCCSB)
   Jeannette Cummins Eisenhour, Investment and Development Manager

(A copy of Ms. Eisenhour's presentation is in the date file.)

When Commissioner Hurley expressed concern about the closure of the state facility on Braddock Road, Ms. Eisenhour explained that it housed 125 residents, 90 of them County residents. She also explained that the FCCSB requested $3.7 million for two group homes.

8. Fairfax County Park Authority (FCPA)
   David R. Bowden, Director, Planning and Development

(A copy of Mr. Bowden's presentation is in the date file.)

In response to a question from Commissioner Hurley, Mr. Bowden stated that a synthetic turf field could not be constructed in a floodplain.

Responding to questions from Commissioner Litzenberger regarding revenue growth, Mr. Bowden said FCPA received no reimbursement from FCPS whenever it allowed athletic teams to utilize County recreation centers except for the rental of indoor pool facilities. He noted that the fees paid by Loudoun County residents were higher than those paid by Fairfax County residents and referred to the FCPA website for a more detailed description of the fee schedule.

Replying to questions from Commissioner Flanagan, Mr. Bowden explained that North Hill was not shown on the list of FCPA projects on page 65 of the CIP and had not qualified for funding

from the 2012 Bond Referendum because FCPA did not yet own the property and no funding for the project had been allocated.

In reply to additional questions from Commissioner Flanagan, Mr. Bowden explained how Lamond Park was being funded and identified two improvement projects that had been completed for the park. He noted that the road leading up to the mansion at Lamond Park had not been improved because of insufficient funding. He confirmed that revenue from tree monopoles could be used to fund park services, but the Board of Supervisors determined how the money was allocated.

Responding to questions from Commissioner Donahue, Mr. Bowden said that facilities could not be restricted only to County residents. He added that further study would be necessary to determine how growth in neighboring counties would affect current facilities.

Commissioner de la Fe referenced page 23 of the CIP and asked Mr. Bowden about additional funding for FCPA for land acquisition. In addition, he suggested adding approximately $10 million to the 2012 Bond Referendum for land acquisition.

Vice Chairman Alcorn noted that financial management issues would be discussed with Ms. Reed at the CIP Committee meeting on Wednesday, March 14, 2012.

9. DPWES
   Jeffrey Kent, Chief, Financial Monitoring

(A copy of Mr. Kent's presentation is in the date file.)

Mr. Kent responded to questions from Vice Chairman Alcorn regarding alternatives to reducing nitrogen and phosphorous levels and described methods to reuse wastewater.

Answering questions from Commissioner de la Fe, Mr. Kent explained that the reinvestment rate for system upgrades was determined by the lifespan of the various wastewater systems.

In response to questions from Commissioner Flanagan, Mr. Kent described how sulfur dioxide was managed and stated that incinerators were used to dispose of sludge. He added that DPWES sought to upgrade outdated incinerators in anticipation of stricter environmental regulations. A brief discussion ensued regarding more efficient methods for managing sludge.

Referencing page 148 of the CIP, Commissioner Litzenberger asked about the funds DPWES had earned from selling excess wastewater capacity. In response, Mr. Kent explained that each one million gallons per day of excess capacity was sold for $20 million and the revenue was used to fund the CIP.

Replying to questions from Commissioner Lawrence, Mr. Kent identified Europe, the West Coast of the United States, and Texas as regions where new technologies in wastewater management were being developed. He briefly explained how municipalities became involved

with new technology, noting that the County lacked the necessary resources to participate. He added that changing environmental regulations influenced how new technologies were implemented.

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There being no more presenters, Vice Chairman Alcorn reiterated that the CIP Committee would meet on Wednesday, March 14, 2012, at 7:30 p.m. in the Board Conference Room of the Fairfax County Government Center, to review the CIP proposal for Fiscal Years 2013-2017.

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The meeting was adjourned at 11:43 p.m.
Peter F. Murphy, Jr., 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: July 26, 2012

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