MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MARCH 10, 2010

PRESENT: Frank A. de la Fe, Hunter Mill 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, Sully District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Walter L. Alcorn, Commissioner At-Large
Jay P. Donahue, Dranesville District
Suzanne F. Harsel, Braddock District

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The meeting was called to order at 8:15 p.m., by Chairman 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 Hart noted that the Planning Commission had received changes proposed by staff to the strawman Environmental Quality Corridor Disturbance Policy language, along with copies of the recommendation and a memorandum from staff at the March 4, 2010 Committee meeting. He said the Committee recommendation would be presented to the Commission on Thursday, March 18, 2010.

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In Commissioner Alcorn's absence, Commissioner Lawrence announced that the Tysons Corner Committee would meet Thursday, March 11, 2010, at 7:00 p.m. in the Board Auditorium of the Government Center, to receive additional public comments on the draft Tysons Plan.

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Chairman Murphy noted the retirement in early April of Norma Duncan, Receptionist for the Planning Commission Office, and announced that she would receive an Outstanding Performance Award on Friday, March 26, 2010. On behalf of the Planning Commission,

Chairman Murphy congratulated her, noted her contribution to the Planning Commission, and thanked her for her service.

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FS-P10-2 – FAIRFAX COUNTY PARK AUTHORITY, 3200 Jermantown Road

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION THAT FS-P10-2, FAIRFAX COUNTY PARK AUTHORITY, 3200 JERMANTOWN ROAD, IS IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD CONSIDER IT A "FEATURE SHOWN," PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

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

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456A-L92-9-3 – VERIZON WIRELESS, 2970 Southgate Drive

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION FIND THE AMENDMENT 456A-L92-9-3, PROPOSED BY VERIZON WIRELESS, TO A PREVIOUSLY APPROVED TELECOMMUNICATIONS FACILITY, LOCATED AT 2970 SOUTHGATE DRIVE, IS SUBSTANTIALLY IN 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 Lawrence seconded the motion which carried unanimously with Commissioners Alcorn, Donahue, and Harsel absent from the meeting.

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FS-H09-112 – CLEARWIRE, 8661 Leesburg Pike, Tysons Sheraton
FSA-H02-15-2 – T-MOBILE NORTHEAST LLC, 13865 Sunrise Valley Drive

Chairman Murphy MOVED CONSENT AGENDA ITEMS FS-H09-112, CLEARWIRE, 8661 LEESBURG PIKE, TYSONS SHERATON, AND FSA-H02-15-2, T-MOBILE NORTHEAST LLC, 13865 SUNRISE VALLEY DRIVE.

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

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FS-V09-184 – CRICKET COMMUNICATIONS, INC., 8616 Pohick Road

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION THAT FS-V09-184, CRICKET COMMUNICATIONS, 8616 POHICK ROAD, IS SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN," PURSUANT TO SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

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

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S09-IV-LP2 – COMPREHENSIVE PLAN AMENDMENT (INOVA LORTON-SOUTH HEALTHPLEX) (Decision Only) (The public hearing on this application was held on January 28, 2010. A verbatim transcript of the decision made is in the date file.)

Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE FOLLOWING RECOMMENDATION FOR PLAN AMENDMENT S09-IV-LP2: MODIFY THE PLAN LANGUAGE FOR TAX MAP PARCELS 107-4 ((1)) 75A, 77, 78, 79, 80, 81, AND 82 TO ACCOMMODATE MEDICAL OFFICE USE AND MEDICAL CARE FACILITIES AND OTHER USES LIMITED TO HOTEL USE AND ASSISTED LIVING FACILITY AND ANCILLARY USES AT AN INTENSITY UP TO .40 FAR (253,000 SQUARE FEET) DERIVED FROM A PROPERTY AREA OF 14.55 ACRES, SUBJECT TO THE CONDITIONS RELATING TO MITIGATION OF TRANSPORTATION IMPACTS, PARCEL CONSOLIDATION, BUILDING PLACEMENT, APPROPRIATE ANCILLARY USES, PROVISION OF STRUCTURED PARKING, UTILIZATION OF LOW IMPACT DEVELOPMENT FEATURES, UNDERGROUND STORMWATER DETENTION, SCREENING AND BUFFERING FROM ADJACENT RESIDENTIAL USES, MINIMIZING CLEARING AND GRADING, MINIMIZING NOISE AND LIGHTING IMPACTS ON SURROUNDING NEIGHBORHOODS, AND CONTRIBUTIONS FOR TRANSPORTATION IMPROVEMENTS AS OUTLINED IN MY HANDOUT DATED MARCH 10, 2010.

Commissioner Litzenberger seconded the motion which carried by a vote of 7-0-2 with Commissioners de la Fe and Murphy abstaining; Commissioners Alcorn, Donahue, and Harsel absent from the meeting.

As a follow-on motion, Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION STAFF TO STUDY AND MAKE RECOMMENDATIONS REGARDING TRAFFIC OPERATIONS AND

TRANSPORTATION IMPROVEMENTS IN THE LORTON AREA, PARTICULARLY ALONG LORTON ROAD BETWEEN SILVERBROOK ROAD AND LORTON MARKET STREET.

Commissioner Flanagan seconded the motion which carried by a vote of 7-0-2 with Commissioners de la Fe and Murphy abstaining; Commissioners Alcorn, Donahue, and Harsel absent from the meeting.

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ORDER OF THE AGENDA

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

1. SE 2009-LE-022 – BB&T (SUCCESSOR IN INTEREST TO MOUNT VERNON NATIONAL BANK AND TRUST COMPANY)
2. SEA 79-V-093-02 – MCDONALD'S CORPORATION
3. RZ 2009-MA-013/SEA 83-M-102-03 – MCDONALD'S CORPORATION
4. SE 2009-SP-012 – MCDONALD'S CORPORATION
5. S09-CW-1CP – COMPREHENSIVE PLAN AMENDMENT – VISUAL & PERFORMING ARTS POLICY PLAN AMENDMENT

This order was accepted without objection.

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SE 2009-LE-022 – BB&T (SUCCESSOR IN INTEREST TO MOUNT VERNON NAT'L BANK & TRUST CO.) – Appl. under Sects. 9-622 and 7-607 of the Zoning Ordinance to permit a drive-in financial institution in a Highway Corridor Overlay District and modifications and waivers in a Commercial Revitalization District. Located at 6618 Richmond Hwy. on approx. 42,500 sq. ft. of land zoned C-6, CRD, and HC. Tax Map 93-1 ((27)) 1B and 3C. LEE DISTRICT. PUBLIC HEARING.

Benjamin Tompkins, Esquire, Reed Smith LLP, reaffirmed the affidavit dated February 24, 2010. Commissioner Hart disclosed that the law firm of Hart & Horan, PC had an attorney-client relationship with BB&T within the last 12 months; therefore, he would recuse himself from this public hearing.

Brenda Cho, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of the application.

Mr. Tompkins explained that the applicant proposed to replace the current bank with a state-of-the-art facility with new landscaping, eliminate two access points, provide for future improvements to Richmond Highway, and contribute approximately $2 million toward the Richmond Highway Revitalization District. He further noted that the Lee District Land Use Advisory Committee recommended approval of the application.

In response to questions from Commissioner Lusk, Mr. Tompkins confirmed that the applicant would provide one filterra tree box filter and an underground water detention facility. He noted that while the applicant would incorporate LEED principles, he did not know the level of certification.

Chairman Murphy called for speakers but received no response. He noted that rebuttal was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lusk for action on these items. (A verbatim transcript is in the date file.)

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2009-LE-022 TO A DATE CERTAIN OF MARCH 18, 2010.

Commissioners Lawrence and Sargeant seconded the motion which carried unanimously with Commissioner Hart recusing himself; Commissioners Alcorn, Donahue, and Harsel absent from the meeting.

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> SEA 79-V-093-02 – MCDONALD'S CORPORATION – Appl. under Sects. 7-607 and 9-622 of the Zoning Ordinance to amend SE 79-V-093 previously approved for a fast food restaurant with drive-through to permit demolition and reconstruction of a fast food restaurant, modifications and waivers in a CRD, and associated modifications to site design and development conditions. Located at 8735 Richmond Hwy. on approx. 35,010 sq. ft. of land zoned C-8, CRD, and HC. Tax Map 109-2 ((2)) 3A. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Inda Stagg, Land Use Coordinator, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated September 21, 2009. Commissioner Hart disclosed that Hart and Horan, PC, had one case pending with Mr. Stagg's law firm but indicated that there was no financial relationship and that it would not affect his ability to participate in this case.

Kelli Goddard-Sobers, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She stated that staff recommended approval of the application.

Ms. Stagg explained that the applicant would replace the existing building with a new state-of-the-art facility and increase the open space by three percent. She noted that interparcel access would be provided and that the applicant had requested additional language that would allow flexibility to build the interparcel access prior to the service drive. She said the site's circulation would be improved and that the applicant would provide streetscaping along the Richmond Highway Corridor, in addition to a trail. Ms. Stagg added that trees would be replaced, a new sidewalk would be added on Cooper Road, and updated lighting would be installed on the site. She further noted that the applicant would request an additional waiver for a modification of the stormwater management requirement to allow for a stormwater retention arch system. She added that the applicant had received the support of the Mount Vernon Council Land Use Committee.

Commissioners de la Fe, Hall, and Catherine Puskar, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, discussed LEED certification and the benefit of having standardized requirements for all McDonald's buildings.

Commissioner Sargeant and Ms. Puskar discussed Development Condition Number 17 and McDonald's commitment to recycle its construction materials.

In response to a question from Commissioner Hart, Ms. Stagg said that Development Condition Number 12 had been modified to delete irrigation of the landscaping because it was not a low impact development technique.

Chairman Murphy noted that the language regarding the time frames for non-residential use permits was vague and that new verbiage should be added to development conditions in all of the McDonald's applications.

In reply to questions from Commissioner Flanagan, Ms. Stagg explained that the applicant requested a modification of the stormwater management requirement to permit an arched stormwater facility less than 72 inches in depth. She added that while there had been revisions to the development conditions, the LEED criteria would be standardized at all of the McDonald's sites. Commissioner Flanagan noted that he would defer the decision because the Land Use Committee of the Mount Vernon Council had not yet seen the revisions to the development conditions.

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

Jon Lastuvka, Rock Creek Property Group, 1155 Connecticut Avenue, NW, Suite 700, Washington, DC, owner of the property adjacent to the application site, expressed concern about insufficient parking at the existing McDonald's and said customers used his lot for

overflow parking; therefore, and a reduction in spaces might exacerbate the problem. He said that since he did not know where the interparcel access would be located, he would like to contact the applicant to work together to plan the sites.

Answering questions from Commissioner Flanagan, Mr. Lastuvka said he had not been contacted by the applicant. He clarified that a catch basin had been left on the property, which was a grassy field, not a stormwater detention facility. He said he would be glad to meet with the applicant and the Land Use Committee to discuss his concerns.

Responding to a question from Commissioner Hart, Ms. Goddard-Sobers said that the creation of the interparcel access would replace three parking spaces and noted that the applicant would still meet the minimum parking required in the Zoning Ordnance.

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

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Commissioner Flanagan MOVED TO DEFER THE DECISION ONLY ON SEA 79-V-093-02 TO A DATE CERTAIN OF APRIL 14, 2010.

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

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT DEFER ITS PUBLIC HEARING ON SEA 79-V-093-02 TO A DATE SUBSEQUENT TO THE PLANNING COMMISSION RECOMMENDATION ON THE APPLICATION.

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

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RZ 2009-MA-013 – MCDONALD'S CORPORATION – Appl. to rezone from C-8, C-4, and HC to C-8 and HC to permit commercial development with an overall Floor Area Ratio (FAR) of .08. Located on the N. side of Little River Tnpk. approx. 250 ft. W. of its intersection with Beauregard St. on approx. 1.23 ac. of land. Comp. Plan Rec: Retail and Other. Tax Map 72-2 ((1)) 44A and 72-4 ((1)) 6E. (Concurrent with SEA 83-M-102-03.) MASON DISTRICT.

SEA 83-M-102-03 – MCDONALD'S CORPORATION – Appl. under Sect. 7-607 of the Zoning Ordinance to amend SE 83-M-102 previously approved for a fast food restaurant with drive-through to permit the demolition and reconstruction of a fast food restaurant with drive-through, associated modifications to site design, and development conditions. Located at 4800 North Chambliss St. and 6302 Little River Tnpk. on approx. 1.23 ac. of land zoned C-8 and HC. Tax Map 72-2 ((1)) 44A and 72-4 ((1)) 6E. (Concurrent with RZ 2009-MA-013.) MASON DISTRICT. JOINT PUBLIC HEARING.

Inda Stagg, Land Use Coordinator, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavits dated September 14, 2009. Commissioner Hart disclosed that Hart and Horan, PC, had one case pending with Mr. Stagg's law firm but indicated that there was no financial relationship and that it would not affect his ability to participate in this case.

Christopher DeManche, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He stated that staff recommended approval of the applications.

Commissioner Hall stated that Ms. Stagg would not need to provide another presentation for McDonald's as she had already done so for the previous public hearing on SEA 79-V-093-02, but pointed out that the development conditions, dated March 10, 2010, needed revisions as follows: Development Condition Number 8 would be modified to add the word "flag" after balloons; Development Condition Number 11 would be modified so that the second sentence would say, "Existing trees located in the Fairfax County Water Authority easement shall be removed three years after the issuance of the non-RUP."; and Development Condition Number 15 would be replaced with new language to say, "The applicant shall coordinate with the Landmark Homeowners Association (Stonegate) to purchase and install vegetation on the adjoining property along the northern and western boundaries of the project site, not to exceed the value of $1,500.00. The vegetation shall be installed prior to the issuance of the non-RUP and would be the responsibility of the homeowners at Landmark."

In response to a question from Commissioner Lawrence, Commissioner Hall clarified that the applicant would purchase and install the vegetation on the Landmark homeowners' property but homeowners would be responsible for its maintenance.

Commissioner Hart suggested, and Commissioner Hall agreed, that a minimum, rather than a maximum, contribution amount should be indicated in Development Condition Number 15. When he asked about the permissible noise level in Development Condition Number 10, Mr. DeManche explained that the overall regulation of the site would fall under the County Noise Ordinance.

Commissioner Lawrence commended the language in Development Condition Number 10 requesting that customers lower the radio volume in their vehicles while waiting at the drive-through.

Chairman Murphy called for speakers but received no response. He noted that rebuttal was not necessary. 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 these items. (A verbatim transcript is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2009-MA-013, SUBJECT TO THE PROFFERS DATED MARCH 9, 2010.

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

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SEA 83-M-102-03, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 10, 2010, AND WITH THE FOLLOWING CONDITIONS MODIFIED THIS EVENING:

- ADD THE WORD "FLAG" TO NUMBER 8;
- REPLACE THE EXISTING LANGUAGE WITH THE NEW LANGUAGE IN NUMBER 15;
- ADD NEW LANGUAGE (TO CONDITION #11) REGARDING THE TREES IN THE WATER EASEMENT, TO ALLOW THEM TO REMAIN FOR THREE YEARS.

No second to this motion was made.

Commissioner Murphy MOVED TO ADD A FINAL DEVELOPMENT CONDITION TO READ: "A COPY OF THE SPECIAL EXCEPTION AND THE NON-RESIDENTIAL USE PERMIT SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY OF THE USE AND BE MADE AVAILABLE TO ALL DEPARTMENTS OF THE COUNTY OF FAIRFAX DURING HOURS OF OPERATION OF THE PERMITTED USE."

No second to this motion was made.

Commissioner Hall MOVED THAT THE TRANSITIONAL SCREENING REQUIREMENTS BE MODIFIED ALONG A PORTION OF THE NORTHERN AND WESTERN BOUNDARIES AND ALONG THE SOUTHERN BOUNDARY IN FAVOR OF THAT SHOWN ON THE GDP/SEA PLAT.

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

Commissioner Hall MOVED THAT THE BARRIER REQUIREMENT BE WAIVED ALONG A PORTION OF THE NORTHERN AND WESTERN BOUNDARIES AND ALONG THE SOUTHERN BOUNDARY IN FAVOR OF THAT SHOWN ON THE GDP/SEA PLAT.

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

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The following case was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Parliamentarian de la Fe.

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> SE 2009-SP-012 – MCDONALD'S CORPORATION – Appl. under Sects. 4-604 and 9-611 of the Zoning Ordinance to permit a fast food restaurant with drive-through. Located at 13035-B Lee Jackson Memorial Hwy. on approx. 35,000 sq. ft. of land zoned C-6, HC, and WS. Tax Map 45-1 ((1)) 10F pt. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Inda Stagg, Land Use Coordinator, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavits dated February 12. 2010. Commissioner Hart disclosed that Hart and Horan, PC, had one case pending with Mr. Stagg's law firm but indicated that there was no financial relationship and that it would not affect his ability to participate in this case.

Commissioner Murphy asked that Parliamentarian de la Fe ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived and the public hearing closed. No objections were expressed; therefore, Parliamentarian de la Fe closed the public hearing and recognized Commissioner Murphy for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2009-SP-012, SUBJECT TO DEVELOPMENT CONDITIONS DATED MARCH 10, 2010, WITH THE FOLLOWING AMENDMENTS:

- ON DEVELOPMENT CONDITION 8, ADD THE WORD "FLAGS," SO IT WOULD READ: "BALLOONS, FLAGS, AND PENNANTS."

AND ADD A NEW DEVELOPMENT CONDITION 14, WHICH WOULD READ:

- "A COPY OF THIS SPECIAL EXCEPTION AND THE NON-RESIDENTIAL USE PERMIT SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY OF THE USE AND BE MADE AVAILABLE TO ALL DEPARTMENTS OF THE COUNTY OF FAIRFAX DURING HOURS OF OPERATION OF THE PERMITTED USE."

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

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE WAIVER OF THE ON-ROAD BIKE LANE REQUIREMENT ON ROUTE 50; RECOMMEND APPROVAL OF THE MODIFICATION OF THE TRAIL REQUIREMENT ON ROUTE 50, A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT IN FAVOR OF THAT SHOWN ON THE SE PLAT, THE WAIVER OF THE BARRIER REQUIREMENT IN FAVOR OF THAT SHOWN ON THE SE PLAT, AND THE PERIPHERAL PARKING LOT LANDSCAPE REQUIREMENT IN FAVOR OF THAT SHOWN ON THE SE PLAT.

Commissioners Hall and Litzenberger seconded the motion which carried unanimously with Commissioners Alcorn, Donahue, and Harsel absent from the meeting.

Commissioner Murphy requested that Regina Coyle, Director, ZED, DPZ consider adding a standard condition to all future Special Exception applications that would require posting of development conditions to insure that management was aware of what had been approved by the County.

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Chairman Murphy resumed the Chair.

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S09-CW-1CP – COMPREHENSIVE PLAN AMENDMENT (VISUAL & PERFORMING ARTS POLICY PLAN AMENDMENT) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA in accordance with the Code of Virginia, Title 15.2, Chapter 22. The amendment proposes to add a new section on the visual and performing arts to the Policy Plan: The Countywide Policy Element of the Comprehensive Plan for Fairfax County, Virginia. Significant proposed additions include: 1) an introduction; 2) Board of Supervisors goal that expresses support for the visual and performing arts; and 3) objectives and related policies that: support

the display of arts in public places, private development and public-private ventures; encourage investment in existing and new arts facilities; support the provision of a variety of arts venues; and address mitigation of new and renovated arts facilities on surrounding land uses, environment, transportation and public infrastructure. COUNTYWIDE. PUBLIC HEARING.

Pam Nee, 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 adoption of the proposed amendment.

In response to questions from Commissioner Hart, Ms. Nee said that the green building requirements listed in the staff report in Objective 4, Policies c. and d. were consistent with current Comprehensive Plan guidance.

Commissioner Sargeant and Ms. Nee discussed references to cultural diversity and the challenges that might arise during the selection of public art insofar as who could participate in its selection and whose vote would carry the most weight.

Chairman Murphy expressed concern about the exclusion of citizens from the selection of public art in lieu of a process where a previously specified group might make the selection for them.

Commissioners Hall and Murphy discussed the County's demographics and concerns about citizen involvement in the selection process.

Commissioner Sargeant added that greater diversity equaled greater diversity of opinion; therefore, it was important to make sure to address the correct audience in meeting the policy guidance.

Chairman Murphy suggested that Objective 2 be modified to add the word "voluntary" before the words "proffers" and "contributions" so that citizens would understand that the items therein would not be required by the County.

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

Bill Bouie, Chairman, Fairfax County Park Authority, 2494 Freetown Drive, Reston, spoke on behalf of the Park Authority in support of the Plan Amendment. He noted that he was also Vice Chairman of the Initiative for Public Art Reston, which had provided a model for the current policy. He noted that due to the increased interest in the performing arts, concert programs had been adapted to celebrate the diversity of the County's population. He said many of the parks currently provided exhibit space for artwork and said the Park Authority had developed the Urban Parks Framework to guide how public and private urban parks should be designed and implemented. Mr. Bouie pointed out that urban parks had become key locations for public art and performances and therefore were essential to urban and transit-oriented development. He

added that the Park Authority would address issues regarding the placement of art in public areas, identify performance venues to ensure that implementation within the park context could occur in a sustainable and responsible manner and evaluate new art opportunities.

In response to a question from Commissioner Litzenberger, Mr. Bouie confirmed that the Park Authority would maintain artwork placed on Park property and said it would be beneficial to figure out the cost of the maintenance during the proffer process.

John Mason, Arts Council of Fairfax County, 3845 Farr Oak Circle, Fairfax, spoke on behalf of the Arts Council in favor of the proposed Amendment. He provided a brief history of the creation of the Arts Council and its goals. He echoed earlier remarks that adoption of the amendment would ensure a better quality of life by supporting public arts and investing in facilities through optional proffers and contributions and providing mitigation of impacts and/or renovation plans for facilities. Mr. Mason noted an imbalance in available arts facilities in the County and pointed to the special tax districts that supported the arts centers in McLean and Reston, and the Lorton Workhouse in South County, while no such opportunities existed in the rest of the County. He added that a decentralized and community based approach to art facilities and public art would provide the most cost effective and practical approach to this next step in the growth of the County. As a final note, he said that although the Arts Council assisted in the public arts process, he did not envision the Council unilaterally making any decisions on public art or facilities. (A copy of Mr. Mason's statement is in the date file.)

Chairman Murphy and Mr. Mason discussed the language in Objective 2 and whether the definition of "facilities" should be more comprehensive to include public art. When Chairman Murphy asked who would participate in the development of a public art master plan, referenced in Objective 1, Policy i., Mr. Mason said the Arts Council would most likely be asked by the County's Arts Committee to coordinate with various civic organizations to develop a plan.

In response to questions from Commissioner Hall, Mr. Mason explained that the Arts Council would collaborate with or facilitate developers and surrounding communities to select art that would be suitable for each location.

Following discussion between Commissioner Hart and Mr. Mason about the process for the placement of public art, Commissioner Hart said a horse head sculpture at Camden Monument Place in Fairfax had been placed on an alternate site because the Virginia Department of Transportation had determined that the original location was unacceptable after the application had been approved.

Answering a question from Commissioner Flanagan, Mr. Mason said that while a proposed policy would not completely satisfy the concerns of appropriateness and judgment of art, it would provide a process to ensure that what was selected was appropriate.

Leila Gordon, Executive Director, Reston Community Center, 2310 Colts Neck Road, Reston, spoke in support of the proposed Amendment. Pointing to Reston's unique planning history, she noted that the early inception of its special tax district helped its local arts community to thrive. She cited a variety of arts organizations based in Reston, supported by the Reston Community Center (RCC), Reston residents, and businesses. She noted that the RCC supported the Initiative for Public Art Reston, which established the Reston Master Plan for Public Art, which has been referenced in the Comprehensive Plan relative to the planned residential community zoning. Echoing previous sentiments that public art would promote a higher quality of living, Ms. Gordon said the proposed Amendment would enhance the experience of getting to and from work and home and provide places to come together to celebrate community through appreciation of public art, making the County an even more ideal place to live and visit. She noted that competition for local facility resources was severe and that the proposed amendment would help to alleviate the need for facilities throughout the County. (A copy of Ms. Gordon's statement is in the date file.)

Nancy Perry, Executive Director, McLean Project for the Arts, 1234 Ingleside Avenue, McLean, spoke in support of the proposed Amendment on behalf of the McLean Project for the Arts (MPA). She briefly described the MPA's goals to exhibit the work of emerging and established artists from the mid-Atlantic region, to promote public awareness and understanding of the concepts of contemporary art, and to offer instruction and education in the visual arts. She also mentioned an educational partnership with the Corcoran College of Art and Design and said MPA's ArtReach Program transported students from local and at-risk Fairfax County Project Excel schools for tours.

Skeeter Scheid, Co-President, Springfield Art Guild, 6701 Jerome Street, Springfield, spoke in support of the proposed Amendment on behalf of the Springfield Art Guild. She provided a brief description of the Guild, noting that as the oldest in the County, it had no facilities. She said that many of the artists were leaving the County, either because they could not display their work or, in the case of the community theater, there was simply no space to perform. Ms. Scheid said adoption of the Amendment would provide the guidance needed for arts facilities throughout the County.

Jo Hodgin, Director of Planning and Initiatives, Wolf Trap Foundation for the Performing Arts, 1645 Trap Road, Vienna, spoke in favor of the Amendment, on behalf of President and CEO, Terre Jones, who served on the Commission for the Future of the Arts in Fairfax County and was instrumental in crafting the proposed text. She said many of the artists who worked at Wolf Trap would not live in Fairfax County because the environment was not conducive to the type of living an artist made. She said it was possible that the proposed Amendment could change that. Ms. Hodgin also addressed environmental items the Amendment addressed, and noted that Wolf Trap had recently engaged in an ambitious environmental sustainability initiative which reduced its carbon footprint by approximately 20 percent in two years. (A copy of Ms. Hodgin's statement is in the date file.)

In response to a question from Commissioner Sargeant, Ms. Hodgin acknowledged that while affordable housing such as that offered at the Lorton Arts Foundation was important, a viable artistic community was equally important.

Answering a question from Commissioner Lawrence, Ms. Hodgin agreed that providing arts facilities might be a long-term and difficult goal, but noted that it was a worthy cause.

Phil Sparks, 12208 Clifton Springs Drive, Clifton, spoke in favor of the Amendment. He stated that he had been on the Board of the Arts Council of Fairfax County and therefore understood what public art could do for the economic vitality and education of a community.

Sherri Shortell, President, Fairfax County Dance Coalition, 12002 Goodwood Drive, Fairfax, spoke on behalf of the Fairfax County Dance Coalition in support of the proposed Amendment. She provided a brief description of the Dance Coalition and its goals. She noted that currently there were limited venues for the dance groups in the County, which in turn limited dance education. She listed a variety of benefits arising from dance education and said that such programs could attract business and support causes. However, Ms. Shortell said many local artists were instead leaving the area to perform elsewhere because of the lack of facilities in the County.

Chairman Murphy called for concluding staff remarks from David Molchany, Fairfax County Deputy County Executive. Mr. Molchany said the Arts Committee had discussed public engagement and said the Arts Council would facilitate communities and developers in the selection process. He noted that the text would be modified to clarify the planning process for when and how the decision would be made for selection and would include the public. He added that the language for diversity would be more clearly defined since it could be addressed in many different ways.

In response to a question from Chairman Murphy, Mr. Molchany and Ms. Nee said that Objective 2 could be modified to say “invest in public art and/or existing or new arts facilities.”

Answering a question from Commissioner Litzenberger, Mr. Molchany agreed installations on Park Authority property should be addressed with regard to long term maintenance.

Commissioner de la Fe noted that it was important to move ahead and reaffirm the County’s commitment to the arts despite the current economy.

In reply to a suggestion from Commissioner Flanagan, Mr. Molchany agreed to make Objective 4, Policy e., into two separate policies.

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

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION DEFER DECISION ON THE PROPOSED POLICY PLAN AMENDMENT ON THE VISUAL AND PERFORMING ARTS, S09-CW-1CP, TO A DATE CERTAIN OF MARCH 25, 2010, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioners Hall, Lawrence, and Sargeant seconded the motion which carried unanimously with Commissioners Alcorn, Donahue, and Harsel absent from the meeting.

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The meeting was adjourned at 11:06 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, VA 22035.

Minutes by: Jeanette Nord

Approved: June 23, 2011

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